

1998

Charlatans, embezzlers, and murderers: Revolution comes to Virginia, 1765-1775

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CHARLATANS, EMBEZZLERS, AND MURDERERS:

REVOLUTION COMES TO VIRGINIA

1765-1775

A Dissertation

Presented to

The Faculty of the American Studies Program

The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of

Doctor of Philosophy

by

William E. White

1998

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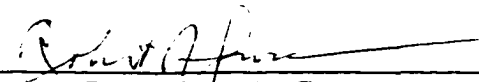
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William E. White

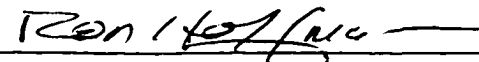
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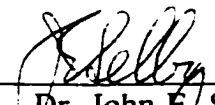
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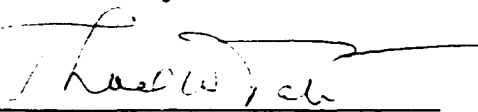
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ACKNOWLEDGEMENTS

When a project, such as this one, unfolds over the course of years many people contribute to its success. The debts are too many to list and adequately acknowledge. The following paragraphs undoubtedly neglect many contributions for which the writer offers his sincere apologies.

The writer wishes to first express his appreciation to his advisor, Professor Robert Gross whose guidance helped shape this dissertation. Professors Cary Carson, Ronald Hoffman, John Selby, and Thad Tate served as readers and the writer is indebted to their thoughtful comments and criticisms.

Many colleagues and friends provided assistance and encouragement. Colleagues Mark Howell and Barney Barnes always proved willing listeners and evaluators. Dr. Kevin Kelly of Colonial Williamsburg's Research Department helped shape many of this dissertation's basic ideas and was an invaluable resource. Gail Greve and Liz Ackert of the Colonial Williamsburg Foundation's John D. Rockefeller Jr. Library provided invaluable assistance identifying materials and sources. Dianne Stevens read excerpts and her interest in the project was a great encouragement. Diane Hudgins read the entire manuscript with a critical proofreader's eye, for which the writer is extremely thankful.

In 1995-1996 the writer served with a talented group of Colonial Williamsburg's museum professionals. The Choosing Revolution Team – Harvey Bakari, Jan Gilliam, Tom Hay, Cathy Hellier, Russ Lawson, Nancy Milton, and Ken Schwarz – produced a season of new and exciting programs in 1996. Much of this dissertation first found expression in that interpretive program. The writer is indebted to their energy, enthusiasm, ideas, and encouragement.

Finally, and most important, this writer must acknowledge the encouragement and support of family. Sister, Susan Beach, read and edited early drafts of this manuscript. Wife, Carol, and sons, Billy and Charlie, all supported the writer through years of educational endeavors and suffered all the trials and tribulations that are part this journey. Special thanks is reserved for Willie and Ellen White who instilled their son with the value of education and supported him with their love.

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ABSTRACT

In 1774 Virginia's last Royal Governor, Lord Dunmore, predicted that the social tensions in Virginia society would end the fomenting rebellion. For a decade the gentry had contended with a series of scandals that diminished their standing as the social, political and moral leaders of the colony. Three scandals, in particular, heightened freeholder scrutiny of Virginia leaders.

Richard Henry Lee quickly stepped to the forefront in 1765 and became the popular leader of the Stamp Act resistance. The revelation that he had applied for the position of Stamp Collector shocked many. This prominent gentleman appeared as little more than a charlatan, consumed only with self-interest. Then, in 1766, Speaker of the House of Burgesses and Treasurer of Virginia, John Robinson, died. On settling the Treasury accounts, officials discovered a huge discrepancy. The Colony of Virginia was more than £100,000 in arrears. Robinson, the "darling of Virginia," had handed out the Colony's money as favors to his political allies. Then on the heels of this came a third scandal. Colonel John Chiswell, a very prominent gentleman, murdered a merchant. For a time it appeared that gentry privilege would prevent the execution of justice. The charlatan, embezzler and murderer provided a focus for challenging the social, political and moral authority of Virginia's ruling class.

In the years before open armed rebellion, it appeared to many observers that Virginia's gentry teetered on the brink. It is no wonder that Dunmore thought their position with the populace tenuous. Threatened from outside Virginia by ever more stringent imperial measures, gentry found themselves under attack at home too as common folk questioned their authority.

What Dunmore did not understand were the measures gentry had taken in the years after 1773 to regain the support of their lessers. Gentry aligned themselves with symbols of the common folk. Gentlemen took up arms as private soldiers and demonstrated their willingness to fight, if need be, for Virginia's liberty. They granted concessions to religious dissenters. Gentlemen aligned themselves with common folk against the merchant class. When the conflict came, Dunmore's "class war" never materialized. What is more, his efforts to spawn it by granting freedom to the slaves of rebels proved futile. Patriot gentlemen had effectively closed ranks with common Virginians against what they now perceived as a common threat: "slavery" imposed by Britain and an insurrection by Virginia's own slaves.

CHARLATANS, EMBEZZLERS, AND MURDERERS:
REVOLUTION COMES TO VIRGINIA
1765-1775

INTRODUCTION

The decades of 1760 and 1770 are, without doubt, two of the most remarkable in Virginia's colonial history. In this brief period Virginians redefined their relationship with Britain, recognized the cultural distinctiveness of their own society, broke away from British colonial rule, and embarked on a course of self-government in a confederation with other former colonies. Still, the drive toward revolutionary action in Virginia society remains largely unexplained. As Herbert Sloan and Peter Onuf have noted, the social, cultural, and political life of late eighteenth-century Virginia presents a complicated challenge for historians. As research progresses, a picture of cultural heterogeneity emerges encompassing a range of values and behavior. To date, the complexity of this dynamic appears only as a faint glimmer in the historiography of the Revolution in Virginia.¹

Most historians who chronicle the rise of revolution in Britain's American colonies have included a role for Virginia's contributions. However, the most significant events, with a few exceptions, appear to have happened primarily in the spheres of Boston, New York, and Philadelphia, not Williamsburg. In 1916, Hamilton

¹ Herbert Sloan and Peter Onuf, "Politics, Culture and the Revolution in Virginia: A Review of Recent Work," *Virginia Magazine Of History And Biography*, 91 (July: 1983): 259, 256 and 266.

J. Eckenrode's *The Revolution in Virginia* tried to establish a central place for Virginia in the historical narrative. Eckenrode described Virginia's road to revolution as a political struggle between radical and conservative colonial leadership. Carl Bridenbaugh continued this theme in his work *Seat of Empire: The Political Role of Eighteenth Century Williamsburg*.²

Other historians have covered these two decades in surveys of Virginia's nearly two hundred years of colonial history. The most recent such chronicle, *Colonial Virginia – A History*, by Warren Billings, John Selby, and Thad Tate included the events leading to open armed rebellion as part of their narrative, but the scope of their work (nearly two centuries) precludes any detailed analysis. Billings, Selby, and Tate also note that the scholarship on these crisis years is scant.³

² There are several studies written to address American colonial events in these two decades that have important implications for the Virginia experience. Some of these studies are: Jack P. Greene, "An Uneasy Connection: An Analysis of the Preconditions of the American Revolution," *Essays on the American Revolution*, ed. Stephen G. Kurtz and James H. Hutson (Chapel Hill: University of North Carolina Press, 1973), 32-80; Bernhard Knollenberg, *Origin of the American Revolution, 1759-1766* (New York: Macmillan, 1960); James A. Henretta, "Salutary Neglect": *Colonial Administration under the Duke of Newcastle* (Princeton: Princeton University Press, 1972); Alan Rogers, *Empire and Liberty: American Resistance to British Authority, 1755-1763* (Berkeley: University of California Press, 1974); and Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: Vintage Books, 1972).

Two works provide an insight into the two decades before armed conflict. They are H. J. Eckenrode, *The Revolution in Virginia* (Hamden: Archon Books, 1964) and Carl Bridenbaugh, *Seat of Empire: The Political Role of Eighteenth-Century Williamsburg* (Williamsburg: Colonial Williamsburg Foundation, 1950).

³ Several survey works that include the two decades from 1760 to 1780 are: Matthew Page Andrews, *Virginia: The New Dominion* (New York: Deetz Press, 1963,

Much of the secondary literature for the 1760s and 1770s is found in biographies. These works place some well-known individuals (Edmund Pendleton, Thomas Jefferson, James Madison, George Washington, Patrick Henry, George Mason, Arthur Lee, Carter Braxton, and Thomas Nelson to name a few) in the events between the Stamp Act and armed rebellion. The biographies do not, however, address the larger social dynamics at work during this period.⁴

originally published 1937); Alf J. Mapp, Jr., *The Virginia Experiment: The Old Dominion's Role in the Making of America 1607-1781* (La Salle: Open Court, 1957); Louis D. Rubin, Jr., *Virginia: A Bicentennial History* (New York: Norton, 1971); and Virginius Dabney, *Virginia: The New Dominion* (New York: Doubleday, 1971). Interestingly, Richard L. Morton's two volume work *Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1960), closes the colonial period in Virginia with 1763 and does not address the events from the Stamp Act to armed rebellion.

For an excellent and concise overview of the limited scholarship related to 1760s and 1770s Virginia, see Warren M. Billings, John E. Selby and Thad W. Tate, *Colonial Virginia – A History* (White Plains: KTO Press, 1986), 393-400.

⁴ David John Mays, *Edmund Pendleton, 1721-1803: A Biography*, 2 vols. (Cambridge: Harvard University Press, 1952); Dumas Malone, *Jefferson the Virginian* (Boston: Little, Brown and Company, 1948); Irving Brant, *James Madison: The Virginia Revolutionist* (Indianapolis: Bobbs-Merrill, 1941); Douglas Southall Freeman, *George Washington: Planter and Patriot* (New York: Scribner, 1951); John R. Alden, *George Washington: A Biography* (Baton Rouge: Louisiana State University Press, 1984); Ralph Ketcham, *James Madison: A Biography* (New York: Macmillan, 1971); Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography*; (New York: Oxford University Press, 1970); Richard R. Beeman, *Patrick Henry: A Biography* (New York: McGraw-Hill, 1974); Robert A. Rutland, *George Mason: Reluctant Statesman* (Williamsburg: Colonial Williamsburg Foundation, 1961); Helen H. Miller, *George Mason: Gentleman Revolutionary* (Chapel Hill: University of North Carolina Press, 1975); Louis W. Potts, *Arthur Lee: A Virtuous Revolutionary* (Baton Rouge: Louisiana State University Press, 1981); Alonzo T. Dill, *Carter Braxton, A Virginia Signer: A Conservative in Revolt* (Lanham: University Press of America, 1983); and Emory G. Evans, *Thomas Nelson of Yorktown: Revolutionary Virginian* (Williamsburg: Colonial Williamsburg Foundation, 1975).

Most Virginia historians have addressed this period topically. Social and economic historians have examined aspects of Virginia, while remaining silent on the actual events of the decade. Robert and Katherine Brown examined Virginia's social development in the eighteenth century, but *Virginia 1705-1786: Democracy or Aristocracy?* did not address the effect of social and political events such as the Stamp Act, nonimportation associations, or phenomena like the committees of safety. Allan Kulikoff, in *Tobacco and Slaves*, provided an important social and economic analysis of Virginia's development, but he too remained silent on the political events that affected the colony.⁵

Topical studies have contributed a great deal to understanding the specific events and trends of these decades. Beyond his masterful portrayal of Virginia's society, Rhys Isaac's *Transformation of Virginia 1740-1790* gave voice to the tensions between the established church and dissenting religions. That conflict was an important component to the coming revolution in Virginia, but not the only one. Several historians have examined the importance of westward expansion and Marc Egnal argued persuasively that tensions between tidewater and northern neck gentry over the future of the west played a central role in the "Origins of the Revolution in Virginia." Woody Holton expanded and developed this theme in his recent dissertation, "The Revolt of the Ruling Class." Most recently Bruce Ragsdale's *A Planter's Republic: The Search for*

⁵ Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing: Michigan State University Press, 1964); and Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: University of North Carolina Press, 1986).

Economic Independence in Revolutionary Virginia focused discussion of the colony's commercial development in relation to the nonimportation associations. These are but a few of the articles and books that examine elements of the decades before the revolution.⁶

These topical studies do not capture the important social changes of the decades. Historians have continued examining these themes since Carl Becker's declaration that the Revolution was not just a "contest for home-rule and independence." It was also about "the democratization of American politics and society." The move toward democratization began "before the contest for home-rule, and was not completed until after the achievement of independence."⁷

Neither British leaders nor provincials themselves understood the social forces at work. Beneath the surface lay what historian Merrill Jensen called "a complex of differing interests, passions, and loyalties." There was a revolution within as

⁶ Rhys Isaac, *The Transformation of Virginia 1740-1790* (Chapel Hill: University of North Carolina Press, 1982). Two important studies on expansion into the Ohio are: Kenneth P. Bailey, *The Ohio Company of Virginia and the Westward Movement, 1748-1792* (Glendale: Arthur H. Clark Company, 1939); and Alfred P. James, *The Ohio Company: Its Inner History* (Pittsburgh: University of Pittsburgh Press, 1959). Marc Egnal, "The Origins of the Revolution in Virginia: A Reinterpretation," *William And Mary Quarterly*, 3d ser., 37 (July 1980): 401-428, discusses Virginia expansionism as a cause of the Revolution. See also, Woody Holton, "The Revolt of the Ruling Class: The Influence of Indians, Merchants, and Laborers on the Virginia Gentry's Break with England," Ph.D. diss., Duke University, 1990; and Bruce A. Ragsdale, *A Planters' Republic: The Search for Economic Independence in Revolutionary Virginia* (Madison: Madison House, 1996).

⁷ Carl Lotus Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison: University of Wisconsin, 1909), 5.

“Americans debated about the future shape of their society.” In the decade before independence, more people than ever before took part in politics. At mass meetings and in mob action ordinary people voiced their issues and concerns. Even within the ranks of ruling elites, contention and conflict seemed the norm as newspapers gave a forum to criticism, accusations, and counter-charges about and between established rulers.⁸

Historians have noted the variety of regional issues that affected the years leading to revolution. Carl Becker’s study of New York focused on the development of political parties in that province. Gary Nash examined the northern seaport towns of New York, Boston and Philadelphia. Robert Gross considered the social forces in Concord, Massachusetts that ultimately propelled the townspeople into the Revolution. Ron Hoffman’s study on the Maryland colony described the concessions elites made to retain political control. These and other studies confirm that under the rubric of revolution, various regions and colonies focused on issues and concerns arising from their peculiar experience. In each area, the issues were as diverse as the various status and interest groups. It was a time of fast-paced change in the relationships between these interest groups. As they formulated, dissolved and reformulated coalitions and alliances, new accommodations rose to meet the challenges of the time.⁹

⁸ Merrill Jensen, *The Founding of a Nation: A History of the American Revolution 1763-1776* (New York: Oxford University Press, 1968), 35; and Merrill Jensen, *The American Revolution within America* (New York: New York University Press, 1974), 2, 18, 27-29.

⁹ Becker, *History of Political Parties*; Robert A. Gross, *The Minutemen and*

Lord Dunmore, Virginia's last Royal Governor, shrewdly perceived that the colony under his charge was wracked with diverse and competing interests. His observations read like a classic Progressive historian's paradigm. In one of his periodical reports to William Legge, Earl of Dartmouth, Dunmore assessed the state of affairs in Virginia and described resistance to Royal policy. The Continental Congress, county Committees of Safety, and local militia units known as Independent Companies constituted an extralegal government. Their effectiveness brought His Majesty's Government in Virginia to a standstill. As Virginians exercised these political liberties, "men of fortune and preeminence" joined themselves "with the lowest and meanest." The triumph of these "infatuated people," however, hinged on the success of the nonimportation and nonexportation agreement that bound them in common cause.¹⁰

Dunmore predicted that the nonimportation and nonexportation association would fail. These economic restrictions produced "a scarcity" that would "ruin thousands of families" and lead Virginia into a period of internal upheaval and civil war. Virginians of "fortune," he predicted, could support themselves and their slaves for another two to three years, "but the middling and poorer sort, who live from hand

Their World (New York: Hill and Wang, 1976); Gary B. Nash, *The Urban Crucible: The Northern Seaports and the Origins of the American Revolution* (Cambridge: Harvard University Press, 1979); and Ronald Hoffman, *A Spirit of Dissension Economics, Politics, and the Revolution in Maryland* (Baltimore: John Hopkins University Press, 1973). See also Edward Countryman, *The American Revolution* (New York: Hill and Wang, 1985), 7, for a description of this dynamic.

¹⁰ "Dunmore to the Earl of Dartmouth," December 24, 1774, PRO, CO 5/1373, fols. 43-44.

to mouth have not the means of doing so.” In the end, the “lower class of people too will discover that they have been duped by the richer sort,” when the wealthy “elude the whole effects of the association, by which their poor neighbors perish.” The poor would then take “the shortest mode of supplying themselves.” Unrestrained by law, they would take “whatever they want, wherever they can find it.”¹¹

To secure royal authority, Dunmore was prepared to encourage class warfare. When the “poorer sort” were slow rising up against the wealthy, he rallied slaves to turn against their masters. Though slaves flocked to the King’s standard, poor whites did not and Dunmore’s strategy for maintaining Royal authority in Virginia failed. For that reason Edmund Randolph could look back after the turn of the century and remember the Revolution as a unifying time. The Revolution, “growing out of public dissensions, within limits of moderation,” heralded a “new state” with distinct republican values, resting “more peculiarly with the people than almost any other which history affords an example.”¹²

Dunmore and Randolph present for us a paradox. How was it in the Virginia world of competing interests that Dunmore’s war between rich and poor did not materialize? How was it that with all these competing interests, the Revolution in Virginia became the unifying impulse sponsoring the spirit of moderation between classes of free Virginians? Progressive historians portrayed the Revolutionary

¹¹ *Ibid.*

¹² Edmund Randolph, *History of Virginia*, ed. Arthur H. Shaffer (Charlottesville: University Press of Virginia, 1970), 177.

movement as a continuing contest between elite and popular forces. As Merrill Jensen stated, “The colonial aristocracies were thus faced with two simultaneous challenges to their rule: that of British policy, and that of their discontented fellow Americans.”¹³ But historians of the Virginia experience repeatedly emphasize the importance of patriot gentry leadership to explain Virginia’s break from the mother country. The idealistic writings of Thomas Jefferson, the fiery rhetoric of Patrick Henry, George Mason’s declaration of rights, and George Washington’s military leadership have long captured the imagination of historians. Even though recent scholarship increasingly illuminates the lives of Virginia’s common folk, the notion of a stable Virginia lingers. Virginia’s gentlemen led their lessers to revolution. As John Selby has noted, “The need for public support for the resistance to Britain and the ensuing war led to internal reforms about which some Virginia leaders were less enthusiastic than others, but the enactment of which bolstered their class’s reputation for statesmanship.”¹⁴ While the progressive paradigm emphasized the struggle for “who would rule at home,” Virginia seemed an anomaly. It appeared to historians that in Virginia the yeomen followed an enlightened gentry deferentially into the struggle with Great Britain.

Historians have long accepted that in Virginia, gentry control and power were eroding after 1750. Rhys Isaac and others described how evangelical religions provided a strong counter cultural force to the world of the colony’s gentry. Richard

¹³ Jensen, *The Founding of a Nation*, 32.

¹⁴ John E. Selby, *The Revolution in Virginia 1775-1783* (Williamsburg: The Colonial Williamsburg Foundation, 1988), 40.

Beeman and Albert Tillson demonstrate effectively that backcountry Virginians resisted the establishment of deferential culture. Planter indebtedness and the rise of Scots merchant factors challenged the economic dominance of Virginia elites. Still, the primary conclusion of historians is that gentry – though possibly shaken and disturbed by challenges to their authority – led a deferential Virginia society into the Revolutionary War. In the end, gentry resisted the trends toward “democratic anarchy” and co-opted the revolution “hedging republican liberties with aristocratic forms of governmental administration.” But this explanation too is unsatisfactory.¹⁵

While social and political power did not shift into the hands of common folk, the relationship between the people and their social and political leaders changed dramatically. The change was so striking in Virginia that many “gentlemen” thought the colony on the “verge of ruin.” Virginia was wracked by social and political divisions. The colony between 1765 and 1775 was fracturing into rival interests. Her elite stood condemned as self-serving and corrupt. Common Virginians railed at the injustices. And still, white Virginians of every rank came together in a common cause and resisted British imperial policy. This dissertation seeks to understand this fundamental paradox in Virginia’s Revolutionary history.¹⁶

¹⁵ Isaac, *Transformation of Virginia*; Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia: University of Pennsylvania Press, 1984); and Albert H. Tillson, Jr., *Gentry and Common Folk: Political Culture on a Virginia Frontier 1740-1789* (Lexington: University Press of Kentucky, 1991); Kulikoff, *Tobacco and Slaves*, 423.

¹⁶ Gordon Wood, *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992), 3-8 and 144-145.

This dissertation asserts that though historians portray colonial Virginia as a highly stratified and structured society, it actually was quite complex by the 1760s. The gentry's role in the coming revolution must be examined in the context of participation by lesser classes of white Virginians (and on occasion even some Africans). Virginia's steps towards revolution were neither well controlled nor directed solely by gentry leaders. In fact, after the mid 1760s gentry leaders found themselves challenged in some significant ways. Nearly every challenge resulted in an abridgment of gentry authority, an acknowledgment that gentry leaders did not lead a completely deferential populace. Gentry leaders openly courted constituents for support and offered concessions – many times significant concessions – to several groups in exchange for support.

The purpose of this dissertation is not to offer new discoveries. The events described herein are familiar to Virginia historians. For the most part, however, they have been studied as separate events. Taken in the aggregate – as a whole narrative – the episodes present an engaging story of change and tensions between various status and interest groups in Virginia. Chapter one presents Virginia society as it had developed increasing complexity by the 1760s. The social order was more fluid, flexible, and accommodating than first appears. By the 1760s several major issues or tensions coursed through Virginia communities. Chapter two enumerates the social pressures that acted on Virginians at the same time British imperial tensions were heightening. It is important to remember, however, that many different communities

comprised Virginia. Chapter three describes the small rural tidewater communities between Port Royal and Norfolk. Dispersed across the countryside, these communities could be vibrant and exciting places. Chapter four examines one community, Norfolk, a good example of the turbulent forces boiling just beneath the surface of Virginia society.

The central portion of the dissertation (Chapters five, six and seven) scrutinizes closely three Virginia scandals. Beginning with the Stamp Act Crisis, Virginia's gentry fractured into camps each accusing the other of corruption and avarice. The conflict was not confined to the ranks of the elite. Middling merchants, tradesmen, planters and, at times, even the poorest of Virginians became embroiled in the controversy surrounding gentry leadership. Virginians of nearly every rank and station doubted the integrity of privileged men. The debate over Richard Henry Lee's motives in the Stamp Act Crisis, the exposure of the Assembly's Speaker in the Robinson Scandal, and the scrutiny of gentry privilege and excess during the Chiswell Affair called attention to the self-seeking machinations among Virginia's gentry. Reaction to these scandals also crystallized a public opinion that gentry could no longer control. It became necessary for gentlemen actively to cultivate public support.

The final chapters of the dissertation examine important events and changes between 1769 and 1776. Virginia leaders arrived at new accommodations with constituents in these years before independence. During the Stamp Act Crisis of the 1760s, gentry led constituents in strong economic action against British imperial policy.

In 1769 and 1770, though, ordinary Virginians would not simply “fall in line” behind the enforcement of non-importation and non-exportation associations. In the next several years, gentlemen were forced to form coalitions with several segments in Virginia’s economy and society. During 1774, as tensions increased, lesser Virginians openly speculated that gentry would force working men and yeomen into the field to fight the British Regulars. In response, gentlemen formed Independent companies and volunteered to serve as privates. Independent companies and local patriot committees soon became democratic expressions where lesser Virginians received recognition. And as the tensions of 1774 spilled over into the conflicts of 1775, gentry granted significant concessions to constituents. Evangelicals received recognition. Small planters contested military exemptions. In coalition with gentlemen, common folk acted against the merchant class and regulated the price of goods.

In the end, Virginians still acknowledged gentry leadership, but now gentry, in turn, acknowledged the influence of the people. Lord Dunmore discerned political tensions between Virginia’s common folk and their leaders, which he hoped to exploit as a means of maintaining the colony for King George. Unfortunately, his tactics raised the specter of warfare between Virginia’s free and enslaved. The threat of a slave insurrection was probably the one common fear of all white Virginians. The act of raising a slave army and marching them into the field against their masters unified white Virginians against Dunmore and the king he represented.

CHAPTER I

“THE INTERCOURSE BETWEEN MAN AND MAN”

Virginia historiography has emphasized a highly ordered and structured society, led by a gentry class. Louis B. Wright in *The First Gentlemen of Virginia* described the development and characteristics of Virginia's gentlemen. He segmented the colony into three classes: slaves, yeomen, and great planters. The yeomen of this society were “small independent farmers who worked their tobacco plots with only such aid as their families could give them.” Very few of these common folk rose to positions of government at the county or provincial level. Slaves got little attention from Wright. The development of an aristocracy dominated the story of colonial Virginia. As the gentry became more powerful, “the yeomen had less and less political or social importance.”¹

Charles Sydnor's, *Gentlemen Freeholders: Political Practices in Washington's Virginia* applied the term gentry to the “upper segment of society.” He identified this group easily by name, manners, education, dress, plantation houses, extensive land-holdings, and the ownership of numerous slaves. Often these men were members of the

¹ Louis B. Wright, *The First Gentlemen of Virginia* (Charlottesville: Dominion Books, 1964), 48 and 63-94.

vestry and county magistrates, and held government offices, except lowly posts like the county constable. Sydnor referred to second-class white Virginians as “the vulgar herd.” These common men were “neither great planters nor very poor men.” Twenty-five percent of this “herd” owned fewer than one hundred acres. About half possessed between one hundred and three hundred acres while the remaining quarter held three hundred or more acres. In this middling group Sydnor included the “physicians, clergymen, lawyers, teachers, blacksmiths, carpenters, millers, merchants, and storekeepers.” Below these small land owners existed a disenfranchised class, mainly composed of landless overseers and laborers. Sydnor did allow, however, for upward social mobility in his model of white Virginia society.²

Allan Kulikoff identified a class structure of gentry, yeomen, and slaves emerging in the 1720s and 1730s. His work, *Tobacco and Slaves*, proposed that by the end of the eighteenth-century’s first quarter, gentry held political dominance and began separating themselves socially and politically. The gentry became a “nearly self-perpetuating oligarchy.” An “intricate web of social and political relations” supported the dominance of gentry and secured for yeomen “protection of their property” and a subservient “role in politics.” Gentry relied on a hierarchical class structure to maintain control.³

² Charles Sydnor, *Gentlemen Freeholders: Political Practices in Washington’s Virginia* (Chapel Hill: The University of North Carolina Press, 1952), 27-38, 61-62, 127 and 132.

³ Kulikoff, *Tobacco and Slaves*, 10 and 263-313.

Rhys Isaac in *The Transformation of Virginia* described the physical landscape that illustrated the relations among slave, yeoman, and gentry classes. The Slave Quarter, “The Common Planter’s Place,” and “The Gentleman’s Seat” laid out the divisions of power. David Hackett Fischer marked the creation of Virginia elite in the administration of governor Sir William Berkeley (1642-1676) in his narrative, *Albion’s Seed: Four British Folkways in America*. The “first families” who immigrated to Virginia during these four decades make an impressive list. This imported elite – the “distressed cavaliers” as Fisher calls them – gained control of the Governor’s Council in Virginia by the 1660s and retained their prominence until the Revolution.⁴

Collectively, these and other histories have hammered home a vision of Virginia gentry ruling a structured and stratified society. Actually, by the 1760s Virginia society was quite complex. Gentry, middling merchants, small planters, day laborers and even enslaved Africans interacted daily in small communities that stretched across the countryside. Roads, merchants, and ships linked these neighborhoods to a larger world of society, commerce, and politics. Constant interaction between the local, provincial, and imperial worlds shaped the lives of Virginians of every rank. No doubt, the stark contrast between the genteel wealthy planter and the naked enslaved African reinforced Virginia’s appearance as a stratified society with rigid distinctions between classes. It also obscured the complexity that lay just beneath the surface.

⁴ Isaac, *Transformation*, 30-42, 114-138; and David Hackett Fischer, *Albion’s Seed: Four British Folkways in America* (New York: Oxford University Press, 1989),

Slaves sold or born into a lifelong condition had almost no prospect of advancement. Development of a slave system in the Chesapeake did not come about through careful calculation and planning. In the second half of the seventeenth-century Virginia's planters turned increasingly to enslavement of Africans as a solution for the labor demands of profitable tobacco cultivation. By 1661, Virginia's Assembly had begun formally recognizing the already common practice of slavery. The delegates determined that a runaway Negro could not be punished by adding time to his term of servitude. It was a formal recognition that slavery bound Negroes for life. The following year, Burgesses codified the slaves' inherited status and declared, "all children borne in this country, shall be held bond or free only according to the condition (free or slave) of the mother." By 1700, laws defining the status and condition of a slave represented a code and the institution of slavery was a fact of Virginia society.⁵

By 1700, large planters invested heavily in chattel labor, but slavery did more than establish a labor force. It bound white members of Virginia's society together.

212-232.

⁵ William Waller Hening, *The Statutes at Large; Being a Collection of all the Laws of Virginia, From the First Session of the Legislature in the Year 1619* (New York: 1819-1823), 2: 26 and 170.

For a discussion of the establishment of slavery in the Chesapeake and the codification of slave laws see, Kulikoff, *Tobacco and Slaves*, 320-334; Winthrop D. Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (New York: W.W. Norton and Company, 1968), 3-43 and 71-82; Anne Willis, "Masters' Mercy: Slave Prosecutions and Punishments in York County, Virginia 1700 to 1780" (M.A. Thesis, College of William and Mary, 1995), 7-20.

Even the lowest status whites shared one common link with other white Virginians. They were not slaves. It was an important racially based form of commonality. By 1750, slaves represented more than fifty percent of Virginia's population. The prospect of slaves, loose and uncontrolled on the countryside, frightened white Virginians. In 1780 Jefferson speculated that "Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained . . . will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race." Defending society against that threat unified white Virginians of every status.⁶

If racial chattel slavery marked one end of the spectrum, gentry seemed to dominate the other. Defining gentry – selecting exactly who belonged in the ranks of the Virginia gentry – is a difficult problem, however, because Virginia society was more flexible than it first appears. Historians constantly struggle with definitions and demographics. Still the picture remains fuzzy. Estimates quantifying the gentry heads of households range between 2 and 10 percent of free males above the age of 21. While some historians focus on demographic definition, others define a select group with aristocratic heritage. None of these definitions seems concrete enough to provide as clear a boundary for this group as demarcates the place of Virginia's slaves.⁷

⁶ Edmund S. Morgan, *American Slavery-American Freedom* (New York: W. W. Norton, 1975), 344-345 and 378-387; Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden (New York: W. W. Norton, 1954), 138.

⁷ Jackson Turner Main, *The Social Structure of Revolutionary America* (Princeton:

Some historians date the emergence of Virginia's gentry as early as 1650 to 1690. Others assert that the gentry, as any sort of identifiable group, only appeared late in the colonial period (1720s and 1730s). By the 1740s and 1750s though, gentry had assembled the material trappings of their position (brick mansion houses and

Princeton University Press, 1965), 54-55 and 65-67; and Jackson Turner Main, "The One Hundred," *William and Mary Quarterly*, 3d. ser. 11 (July, 1954): 354-384. Main identified 10 percent of Virginia's population as "upper class." He more closely defined the elite gentry as 6 percent of the white male population. These men owned twenty or more slaves and more than half of all land and property in the colony. From the 1787 Virginia tax rolls, Main identified approximately one hundred great planters. These men owned more than 4,000 acres of land. Almost fifty owned 10,000 acres or more and nearly 100 slaves. The estates of these gentlemen exceeded £10,000. More than three quarters of these men inherited all of their wealth.

Jack P. Greene, "Society, Ideology, and Politics: An Analysis of the Political Culture of Mid-Eighteenth-Century Virginia," *Society, Freedom and Conscience: The American Revolution in Virginia, Massachusetts, and New York*, ed. Richard M. Jellison (New York: W.W. Norton and Company, 1976), 15-17. According to Greene, the gentry was "a broad and miscellaneous category of people: old families and new, those of great and only modest wealth, mannered gentleness and crude social upstarts, the learned and the ignorant." This gentry class comprised between 2 and 5 percent of the total population. Within this gentry class was a "much smaller, cohesive, and self-conscious social group" that numbered about forty families. These elites, well established by the 1730s, derived their wealth from "planting, shipping commerce and land development, public office and the law."

Several recent historians have identified these elite gentry and marked their rise from the seventeenth-century growth and development of Virginia society. Jack P. Greene, *Political Life in Eighteenth-Century Virginia* (Williamsburg: The Colonial Williamsburg Foundation, 1986), 39-41; and Bernard Bailyn, "Politics and Social Structure in Virginia," *Colonial America: Essays in Politics and Social Development*, third edition, ed. Stanley N. Katz and John M. Murrin (New York: Alfred A. Knopf, 1983), 215, both note the arrival of the "progenitors of the eighteenth-century aristocracy." Fischer, *Albion's Seed*, 212-232, also identified this small group of elite gentry. His controversial thesis attributed the origins of these "first families" to "distressed" Royalists, Cavaliers who fled the Protectorate rule in Britain. The Cavalier origins of elite gentry families has been criticized by other historians. See James Horn, "Cavalier Culture?: The Social Development of Colonial Virginia," *William and Mary Quarterly*, 3d. ser. 48 (April 1991): 41.

estates). Within two decades they were supposedly in decline, beleaguered by the debts incurred to support their extravagant lifestyle. Then again, the enigma of Virginia's gentry may result from a broader elusiveness. The definition of gentry anywhere in British North America, or in the mother country herself, related to an ideal, the independence of a genteel lifestyle. Virginia's gentry expressed a way of living that included material objects, personal refinement, education, and political responsibility. Louis B. Wright did an admirable job almost sixty years ago defining the first generation of Virginia's gentry by illustrating the lives of William Fitzhugh, Ralph Wormeley II, Richard Lee II, John and Robert Carter, Robert Beverley II, and William Byrd I. For Wright, these men exemplified the elite in a deferential and hierarchical society, an ideal that dominated eighteenth-century Anglo-American culture.⁸

When William Byrd II, gentleman, described his life to the Earl of Orrery, he described gentry ideals. Besides his "large Family," Byrd related, "I have my Flocks and my Herds, my Bond-men and Bond-women." This was a self-sufficient existence. His slaves practiced "every Soart of trade" to support that independence. Westover plantation was a self-contained community. As patriarch, Byrd kept his "people to

⁸ Kenneth A. Lockridge, *On the Sources of Patriarchal Rage: The Commonplace Books of William Byrd and Thomas Jefferson and the Gendering of Power in the Eighteenth Century* (New York: New York University Press, 1992), 93 discusses the brief reign of Virginia's gentry. Jan Lewis, *The Pursuit of Happiness: Family and Values in Jefferson's Virginia* (Cambridge: Cambridge University Press, 1983), 12-15, discusses the Virginia gentry and their notion of "independence." For an indepth examination of genteel culture see, Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Alfred A. Knopf, 1992). Bushman discusses the elusive definition of gentility on pages 61-63.

their Duty,” and set “all the Springs in motion . . . to make every one draw his equal Share to carry the Machine forward.” Byrd’s plantation was an island in the community. His role did not end with his family. As a leader in the community, he kept his “Doors . . . open to Every Body.” He sat “securely under our vines, and our fig-trees without any danger to our property . . . We can travel all over the country, by night and by day, unguarded and unarmed, and never meet with any person so rude as to bid us stand.” And it was a virtuous existence. The Virginia pleasures of “innocence, and retirement” starkly contrasted with the “temptations in England” that “inflame the appetite, and charm the senses.”⁹

Byrd extended this paternal ideal beyond the bounds of Westover plantation through politics. Byrd’s roles as councilor, magistrate and militia officer were a part of his genteel lifestyle. As the paternalism of his estate spilled out into the provincial world around him, Byrd gleaned the advantages due his station. The influence over his neighbors in provincial affairs, and the lucrative fees and salaries of public office, were all a part of his gentry status. Byrd, member of the Governor’s Council, was near the pinnacle of Virginia’s gentry. Had he won his bid to become Virginia’s governor, he would have reached the summit.¹⁰

⁹ William Byrd II to Charles, Earl of Orrery, July 5, 1726, in “Virginia Council Journals, 1726-1753,” *Virginia Magazine of History and Biography*, 32 (January, 1924): 26-28.

¹⁰ Isaac, *Transformation*, describes the paternal role of Virginia gentry in county courts (90-94 and 133-135); the militia (104-110); and elections for the House of Burgesses (111-114 and 252-254). He also discusses ways that, “All the different

It is important to understand that at the same time Byrd idealized this lifestyle to others, thousands of details bound him to “his people.” Byrd’s extended family numbered almost one hundred individuals ranging from wife and children to hired workmen to slaves. He constantly moved from place to place on his property managing, listening, mediating, deciding, organizing, and directing. The idyllic life Byrd depicted was never truly independent. He worked constantly to insure his future financial, social and political well-being and thus insure his continuation among the ranks of Virginia’s gentry. Byrd, like his fellow gentlemen, maintained status by constant attention to the details of the ideal. Portraying themselves as a natural aristocracy, they expected and most often received deference from the common people they ruled. Their British heritage established the principles of this dominant ideal, the ideal of deferential politics in a hierarchical society. It was a paragon that required constant work and maintenance. Even when it was at odds with the occasional impulses toward popular politics and ill-defined social classes in Virginia, most Virginians supported the illusion.¹¹

forms of gentry domination were subtly concentrated and institutionalized in the system of local government.” (131-135). Property was not the sole measure of status. E. P. Thompson, *Customs in Common* (London: The Merlin Press, 1991), 24-26 describes the English gentry that Virginians emulated. He points out that by the eighteenth century land is an insufficient measure of status. “Use-rights, privileges, liberties, services” all translated into money. One lucrative area was government. Political office provided power, influence and revenue.

¹¹ Michael Zuckerman, “William Byrd’s Family,” *Perspectives in American History*, 12 (1979): 276-287 describes Byrd’s plantation life through an extensive analysis of his diary entries. Lewis, *Pursuits*, 11-23 and Richard D. Brown, *Knowledge*

Even maintaining the social distinctions required delicate balancing. The line separating gentry from what the Reverend James Maury bluntly termed “the vulgar herd” was not precise. These “middling Virginians” – those living in the social range between gentry and slave – were a much more complex and dynamic group than the good Reverend’s curt phrase might suggest. Their personal estates ranged between fifty and one thousand pounds. The “herd,” at the time of the American Revolution, included about 30,000 to 40,000 white males: farmers, artisans, shopkeepers, innkeepers, minor government officials, and some professionals. As the century had progressed the number of merchants, tradesmen and professionals had increased. The most successful men amassed capital and influence to rival gentry planters. By 1750, the white population was arrayed along a continuum of gradations, ranking them from the wealthiest and most influential to the poorest, with the line separating gentry from the upper middling sort blurred to near obscurity.¹²

is Power: The Diffusion of Information in Early America, 1700-1865 (New York: Oxford University Press, 1989), 49-54 discuss the importance of extended family and community networks for Virginia’s gentry. Lockridge, *On the Sources*, 94-95 provides a compelling portrait of Byrd and Thomas Jefferson and their maintenance of the patriarchal ideal.

¹² Ann Maury, *Memoir of a Huguenot Family* (New York: George P. Putnam and Company, 1853), 419. Sydnor, *Gentlemen Freeholders*, 61 used the Reverend Maury’s distinction of “the vulgar herd,” to classify the non-gentry white freeholders of Virginia.

Main, *Social Structure*, 270-287, identified forty percent of Virginia’s free white male population as middling farmers in the 1780s. Artisans, shopkeepers, innkeepers, officials and some professionals augmented the middling ranks and comprised another ten percent of the population. Middling Virginians exhibited such a broad range of wealth, he divided them into two groups. The first, or lower middle class, possessed real and personal estates estimated between fifty and five hundred pounds. The second group of

middling Virginians included substantial farmers, prosperous artisans and professionals with estates between five hundred and one thousand pounds.

Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing: Michigan State University Press), 1964, 32-57, divided Virginia's white society into three classes: upper, middle and lower. As they structured society, however, they confirmed the complexity of Virginia's social structure and noted that the "problem of drawing meaningful class lines becomes extremely difficult."

Jefferson estimated that Virginia had a total population of 543,438 in 1782. Though this total population number is somewhat conjectural on Jefferson's part, the proportions he assigned are extremely helpful. He broke this number down into the following categories.

53,289	[9.81%]	free males above 21 years of age
17,763	[3.27%]	free males above 16 and 21
71,052	[13.07%]	free males under 16
142,104	[26.15%]	free females of all ages
259,230	[47.70%]	slaves of all ages
=====		
543,438		total population

Of the 71,052 free males 16 and older, Jefferson estimated that only about half (35,526), qualified as voters. Jefferson *Notes*, 86-87, 118.

David Alan Williams, "The Small Farmer in Eighteenth-Century Virginia Politics," *Colonial America: Essays in Politics and Social Development*, third edition, ed. Stanley N. Katz and John M. Murrin (New York: Alfred A. Knopf, 1983), 414, believes that between forty and sixty percent of adult white males could vote. Based on Jefferson's estimate of 53,289 free males above the age of 21, Williams' percentages give us a range between 21,316 and 31,973. Lucille B. Griffith, "The Virginia House of Burgesses, 1750-1774" (Ph.D. diss., Brown University, 1957), 83-93, estimates freeholders as sixty percent of the free males sixteen years and older. Taking Jefferson's estimate of 71,052 free males sixteen and older and factoring in Griffith's percentage we arrive at 42,631 freeholders. Based on these estimates it seems reasonable that 30,000 to 40,000 of Virginia's free white males constitute the "vulgar" herd.

Darrett B. Rutman and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia 1650-1750* (New York: W. W. Norton and Company, 1984), 248-249. The Rutmans' study of Middlesex County found the categorization of residents into gentry and common inadequate. Analyzing the personal property of Middlesex families, they described a society where less than eight percent of the population possessed more than sixty percent of the wealth. Another two-thirds of the population (the middling ranks), held just over one third of the wealth. Despite this striking economic contrast, as they traced family relationships, social networks, wealth and political offices of Middlesex

Visitors to Virginia commented on the blurred distinctions between gentry and the middling sort. Scottish tutor James Reid satirized King William County society and the status confusion evident among its residents in 1769. He described the quandary brought on when visible trappings of status did not describe a person's full or true condition. According to Reid, if a man "unworthy of a Gentleman's notice" obtained "Land and Negroes" he became "a Gentleman all a sudden." Philip Vickers Fithian, New Jersey born tutor for Robert Carter's children, observed that education too might blur social distinctions. In the summer of 1774, Fithian corresponded with John Peck, an acquaintance who planned a trip from New Jersey to Virginia. Fithian informed Peck that based on education "you would be rated, without any more questions asked, either about your family, your Estate, your business, or your intention, at 10,000 £;

residents, the Rutmans could not discover a parallel social dichotomy. Instead they observed a "continuum stretching downwards from the top." Their work reflects the subtle and fluid structuring of society.

The Rutmans suggest two possible models for understanding Virginia colonial society. The first, most commonly accepted by Virginia historians is "status consistency." This model inextricably connects wealth, high family connection, the best education, prestigious occupation, and great power. If an individual exhibits any one of these elements, they possess it all. In Middlesex, however, the Rutmans found a high degree of "status inconsistency." As a result "an individual might be from a socially esteemed family yet be politically powerless or be highly educated yet be penniless." Consequently, "status claims on the one hand and deference on the other will vary according to the particulars of the situation." This fluid society sorted its members by complex variables. Some variables are easily identified while others "seem almost incorporeal."

See also, Lois Green Carr and Lorena S. Walsh, "Changing Lifestyles and Consumer Behavior in the Colonial Chesapeake," *Of Consuming Interest: The Style of Life in the Eighteenth Century*, eds. Cary Carson, Ronald Hoffman, and Peter J. Albert (Charlottesville: University Press of Virginia, 1994), 59-166.

and you might come, & go, & converse, & keep company, according to this value; & you would be dispised & slighted if yo[u] rated yourself a farthing cheaper.”¹³

Gentry could not prevent their “lessers” from acquiring capital, the material, or ephemeral trappings of gentility. They attempted to exercise control over other standards for admission to their ranks. One way was by deriding those who did not display social graces acceptable to the standards of gentility. Fithian, for example, recalled an occasion when the Carter family visited a lesser gentry family. They evaluated their host as “exceedingly Profane in his Language.” Worse, the man’s daughters were “aukward in their Behaviour, & dull, & saturnine in their Disposition.”

At times, gentry contested each others position and status. As noted earlier, government office gave legitimacy to individual status claims. In 1757 Governor Dinwiddie complained that a tavern keeper, with “no Estate in the County” was appointed colonel in the militia. The governor was also incredulous that a man “insolvent and not able to pay his Levy” was appointed captain. Militia colonel and captain were prestigious county offices not supposed to be bestowed on lesser Virginians.¹⁴

¹³ James Reid, “The Religion of the Bible and Religion of K[ing] W[illiam] County Compared,” [1769],” *Colonial Virginia Satirist: Mid-Eighteenth-Century Commentaries on Politics, Religion, and Society*, ed. Richard Beale Davis (Philadelphia: American Philosophical Society, 1967), 48; Philip Vickers Fithian to John Peck, August 12, 1774, Philip Vickers Fithian, *Journal and Letters: A Plantation Tutor of the Old Dominion, 1773-1774*, ed. Hunter Dickinson Farish (Charlottesville: Dominion Books, 1968), 161.

¹⁴ Fithian, *Journal and Letters*, 76; Dinwiddie to Colonel John Spotswood,

Gentlemen sat on the county courts as magistrates, served as vestrymen, mustered as militia officers, or represented the county as elected legislators in the House of Burgesses. But lesser Virginians participated in other less prestigious ways. First there was a broad franchise for white males. To vote, the colony required a freeholder to own or lease one hundred unimproved acres of land, or twenty-five acres with a house and improvements. Between 40 and 60 percent of the white males were eligible for the vote, and voter turnout ranged from 40 to 50 percent of those eligible in the years between 1740 and 1770. Participation did not end with the vote. Lesser Virginians served county government as deputy sheriffs, processioners, road surveyors, chapel clerks and readers, estate appraisers, grand jurymen, deputies, assistants, and constables. These offices could even be lucrative for freeholders, some paying fees that might almost double a year's tobacco earnings.¹⁵

In 1700 one third of Middlesex County freeholders served an active role in county government positions. Participation reflected status. Between 1650 and 1750, residents owning more than eight hundred acres of land and holding personal property over six hundred pounds filled positions such as court clerk, vestryman, churchwarden,

November 2, 1757, *The Official Records of Robert Dinwiddie, Lieutenant-Governor of the Colony of Virginia, 1751-1758*, ed. R. A. Brock (Richmond: Virginia Historical Society, 1883-1884), 2: 711-712. See Bushman, *Refinement of America*, 181-193 on the role of social criticism in the practice of gentility.

¹⁵ Williams, "The Small Farmer," 415-420; John G. Kolp, "The Dynamics of Electoral Competition in Pre-Revolutionary Virginia," *William and Mary Quarterly*, 3d ser., 49 (October 1992): 655; and Brown and Brown, *Virginia 1705-1786*, 137-146 and 152-158.

justice, coroner, sheriff, King's attorney, and burgess. Lesser freeholders served as reader, vestry clerk, bailiff, constable, undersheriff, surveyor, deputy clerk, levy collector, auditor, a viewer of tobacco, and tobacco warehouse officer. This latter group owned or leased median acreage of about three hundred acres and personal estates exceeding one hundred pounds. Grand jurymen, petite jurymen, appraisers, patrollers, tobacco counters, and processioners owned median estates less than two hundred acres and one hundred pounds.¹⁶

The ideal hierarchical society that Virginians venerated, at times, lacked clear expression on the social spectrum. There were also times when Virginia politics did not live up to the deferential ideal either. Throughout Virginia's history impulses towards popular politics occasionally interfered with the illusion of a deferential society that gentlemen created. Tobacco prices fell in the 1680s and planters urged the governor to call the assembly so they might pass legislation limiting tobacco production. When the burgesses were not convened, planters went into the fields in 1682 and took matters into their own hands. Led by Robert Beverley, rioters cut down and destroyed plants. It was a practical measure. Fewer plants reduced the yield, leading to increased prices, so the planters hoped. Governor Culpeper and his council, however, deemed the action treasonous. Though Robert Beverly escaped trial, two men were tried and hanged for treason in 1683.¹⁷

¹⁶ Rutmans, *Place in Time*, 144-147.

¹⁷ Billings, Selby and Tate, *Colonial Virginia*, 106-108.

At the turn of the century, Governor Francis Nicholson met opposition from his own counselors when he attempted to curb their authority. He moved to end abuses of the headright system and took measures restricting plural office holding. Though Nicholson maintained solid support from burgesses and other non-council groups, his opponents successfully petitioned for his recall in 1705.¹⁸

In 1713 Governor Spotswood pushed through tobacco inspection legislation intended to increase tobacco quality by destroying inferior produce. Burgesses passed the law with promises of lucrative tobacco inspector positions. Twenty-nine of the fifty-one burgesses received appointments from Spotswood. Common planters, however, opposed the measure. They feared that gentry inspectors would reject and destroy only small planter tobacco. In the 1714 House of Burgesses election, small planters – anti-inspection planters – reelected only sixteen of fifty-one incumbents. The new inexperienced house, though, was ineffective in repealing the inspection law. Finally in 1717, London disallowed the tobacco act.¹⁹

In 1730 Governor Gooch sponsored another inspection law that passed the Assembly. In March 1732 riots broke out. The violence centered on the Northern Neck where mobs burned tobacco inspection warehouses. Unlike fifteen years before, this time the violence frightened gentry opponents of the legislation. They rallied to

¹⁸ Billings, Selby and Tate, *Colonial Virginia*, 160-165.

¹⁹ Billings, Selby and Tate, *Colonial Virginia*, 178-185; Jack P. Greene, "Opposition to Alexander Spotswood," *Virginia Magazine of History and Biography*, 70 (January 1962): 35-42.

Gooch's support, fending off calls for the act's repeal. Gooch worked swiftly to meet the crisis by responding to small planter complaints. Quickly and fairly, he acted on charges of inspector malfeasance. Gooch published a pamphlet to convince smaller planters that improved tobacco quality and prices would benefit them too. Unlike the days of Governor Culpepper, officials arrested some men, but it seems all the accused escaped prosecution or received pardons.²⁰

On arriving in Virginia Governor Dinwiddie instituted the Pistole Fee, a tax requiring payment of one pistole for the governor's validation of land patents. When finally called in 1754, legislators charged that the fee violated basic principles of sound government. Besides deterring western expansion the fee infringed the rights of the people. Some maintained that any tax levied without the consent of the people, represented by the Assembly, was a usurpation of rights granted by the principles of the British Constitution. Deadlocked, governor and assembly appealed to the Privy Council. The result was a compromise. The Privy Council confirmed the right of crown officials to collect fees, but placed so many restrictions on Dinwiddie's Pistole Fee that the fee was all but eliminated.²¹

The Twopenny Acts of 1755 and 1758 permitted taxpayers to pay taxes –

²⁰ Billings, Selby and Tate, *Colonial Virginia*, 236-241; Kulikoff, *Tobacco and Slaves*, 108-112.

²¹ Billings, Selby and Tate, *Colonial Virginia*, 256-257; Jack P. Greene, "The Case of the Pistole Fee," *Virginia Magazine of History and Biography*, 66 (October 1958): 399-422.

normally levied in pounds of tobacco – at the rate of two pennies per pound of tobacco.

Burgesses intended the measure as tax relief for planters in these years of short crops and high tobacco prices. Because burgesses did not include a specific exemption in the law, it had the net effect of lowering salaries for Anglican clergy who received their salary in tobacco. The clerical protest over reduced salaries became known as the Parson's Cause. Eventually, appeal to the Privy Council resulted in the law's disallowance, but the already paid salaries of clergy remained unchanged. Several ministers filed suit for recovery of the additional salary.²²

These lawsuits were still in litigation in the early 1760s when Patrick Henry argued the Parson's Cause before a Hanover jury. The Reverend James Maury had won a favorable judgment entitling him to additional compensation. As the jury convened to determine the amount of that compensation, however, Maury's lawyer objected. He charged that the jury, which included some religious dissenters, was of low status and unfit to determine the matter. Henry defended the jury as "honest men" and they were seated. Henry then proceeded to attack the King's disallowance of the Twopenny Act as unconstitutional. He denounced clergy like Maury as the community's enemies, because they refused to accept the Twopenny Act as the will of Virginia's people. The jury, which should have awarded the clergyman as much as £300, awarded one shilling in compensation.²³

²² Billings, Selby and Tate, *Colonial Virginia*, 257-259.

²³ Billings, Selby and Tate, *Colonial Virginia*, 290-291; Beeman, *Patrick Henry*,

Even though the vulgar herd occasionally challenged elite authority, gentry never questioned that they were best suited by merit and experience to make decisions for the whole of society. In 1787, St. George Tucker wrote a letter to his stepsons, John and Richard Randolph. Both boys were away from home, studying at Princeton. Tucker reminded them that despite the considerable “advantages” they received as youngsters, life demanded continuing education “in virtue or in understanding.” As he lectured his stepsons, Tucker explained the ideals that, in his mind, defined Virginia communities. Tucker characterized the world of human interaction as circles or spheres of influence. Laid out in geographical terms, these spheres suggested neighborhoods and communities. Some neighborhoods were large, others small. In the neighborhood stretching five miles around Petersburg, Mr. Booker, for example, was “a good chair-maker” and Alexander Taylor “a very tollerable Cabinet-maker.” People recognized Doctor Strachas as “a good physician” for a radius of one hundred miles. “Throughout Virginia” constituents agreed that “Mr. Baker and the present Governor,” were “eminent pleaders at the Bar.” The “civilized World,” however, recognized General Washington as “a great general,” Doctor Franklin “a great Philosopher & Politician,” and Mr. Rittenhouse “a great mathematical genius.” Of course, this letter exhorted Tucker’s stepsons to excellence. As he wrote, Tucker also noted that “A Blacksmith, a Cobler, a Wheelwright, if honest men are respectable

13-22, 21 and 87-88; Reverend James Maury to Reverend John Camm, 12 December 1763, Maury, *Memoir of a Huguenot Family*, 418-423.

Characters in their proper Spheres.” He reminded the brothers “that every man is respectable in society in proportion to the Talents he possesses to serve it.”²⁴

This exhortation to his stepsons expressed a gentry view of Virginia society. Tucker articulated a well-known and long-accepted view. A few men (Washington, Franklin, Rittenhouse) operated in the larger spheres of influence covering Virginia, America, or the “civilized world.” Most Virginians, however, marked out the bounds of daily existence in the local orbit extending no more than five to fifteen miles from their home. In Tucker’s rendition of an organic Virginia society, he accounted for each individual, easily placing and ranking them according to established criteria of status. In fact, Virginia and her people were not that easily decoded. People were not always as they appeared to be.

A traveler might encounter Pheby on Williamsburg’s market square selling her cakes and oysters. He might naturally assume that she was a slave whose master allowed her to make some money for her own support. Pheby was, after all, forty-four years old. If, as she got older, Pheby was unable to work hard enough to justify the expense of keeping her, the master might be glad that his slave produced part of the money necessary for her upkeep. Residents of Williamsburg often saw Pheby on the market square and transacted business with her. The amazing part of this scene was

²⁴ St. George Tucker to John and Richard Randolph, June 12, 1787. Tucker Coleman Papers, Swem Library, College of William and Mary, quoted in Daniel Blake Smith, *Inside the Great House: Planter Family Life in Eighteenth-Century Chesapeake Society*, (Ithaca: Cornell University Press, 1980), 96-97.

that Pheby was a runaway, from Robert Wormley Carter's Rippen Hall plantation on the Northern Neck. Pheby did not find sanctuary in some lonely forgotten place. She ran to Williamsburg, living and traveling throughout the community quite openly it seems. Apparently even Williamsburg's white citizens were not inclined to return Pheby to her master.²⁵

Matthew Ashby was often seen in Williamsburg and the surrounding area carting goods and produce. A traveler probably assumed that the mulatto was a slave owned by a local planter. He was not. Ashby was a free black. He lived in Williamsburg and rented property from a local landlord. The son of a white woman, Matthew's father was probably a slave. His mother, Mary Ashby, served an indenture to tavern keeper James Shields. Matthew gained his free status as a birthright. The status of his mother, not his enslaved father, decided the condition of the child. As a member of the town's free black community, Ashby participated in many of the same institutions and enjoyed privileges as the town's white inhabitants did. Free and slave, white and black, male and female alike were subjects of the king. As such the society allowed them privileges before the county court, General Assembly, and Governor's Council. Access to government institutions did not imply any inherent rights or

²⁵ *Virginia Gazette, or Weekly Advertiser*, 19 January 1782. Pheby had been gone from Rippen Hall for four months. Thad Tate, *The Negro in Eighteenth-Century Williamsburg* (Williamsburg: Colonial Williamsburg Foundation, 1965, third edition, 1985), 58-59, comments on the frequency of runaways in Williamsburg and the frustration of masters who cannot exercise their legal rights even in the capitol city. Obviously, the black community harbored runaway slaves. The white community also, to some extent, tolerated and overlooked these individuals in their midst.

equality before the law or society. Individuals employed these institutions to mediate between themselves and other members of the community.²⁶

In 1760 Matthew Ashby appeared at the York County court under “an Indictment for an Assault and Battery.” At first, Matthew pleaded “not guilty” to the charge. Later, “relinquishing his former” plea, he put “himself upon the Grace and Mercy of the C[our]t.” The justices found him guilty and ordered a fine of thirty shillings plus “the Costs of this Prosecution.” Ashby received fair treatment from the county court. The assault judgment was not excessive. In fact even slaves brought before the York County Court apparently received the benefits of law. The Justices contended with a significant rise in property crimes during the years after 1750 and meted out harsh justice in an attempt to stop it. Still, one third of slaves accused of theft between 1743 and 1780 were acquitted by the court. Others claimed Benefit of Clergy to mitigate their punishment. In at least eight cases where the court condemned slaves to death, Governor Fauquier intervened with pardons. It seems that even slaves exercised their privileges before the law.²⁷

²⁶ Michael L. Nicholls, “Aspects of the African American Experience in Eighteenth-Century Williamsburg and Norfolk” (Colonial Williamsburg Foundation Report, October 1990), 126-135.

²⁷ “York County Court, Judgements and Orders,” 3, 90, 107, and 113-114; and Anne Willis, “The Masters’ Mercy: Slave Prosecutions and Punishments in York County, Virginia: 1700-1780,” (M.A. thesis, College of William and Mary, 1995), 56-98, 115.

Defendants received judgments for assault and battery at the discretion of the court, not by statute. The only exception was “An Act for preventing excessive and deceitful Gaming” adopted in 1748. This law allowed “That if any person shall assault,

It was also in the county court in 1767 that Ashby and Daniel Hoyer (a local white tradesman) received judgment against them for a debt of “four pounds, five shillings and six pence” owed the estate of Joseph Parrott.²⁸ Two years later, though, Ashby received the court’s assistance. He obtained the one pound three shillings owed him from the estate of Dr. Peter Hay. His status as a free black did not preclude joint ventures with white tradesmen. When that joint venture contracted a debt, the court treated both partners equally. Later, when Ashby asked the court to collect debts owed him, he received that favor from the gentlemen justices too.²⁹

The “sphere” in which Matthew Ashby lived his life was as large or as small as any wage laborer of the society. On his death in 1771, the appraisers valued Ashby’s estate at more than eighty pounds. Ashby was not rich, but he was not poor either. During his life Ashby cared for the education of his children, sending them to the Bray Associates’ school, a philanthropic venture dedicated to the education of Negro children. He documented his daughter’s birth in the Bruton Parish register for 1764.

and beat, or shall challenge, or provoke to fight, any other person or persons whatsoever, upon account of money, or other thing won by gaming or betting, the person . . . thereof convicted, shall forfeit to the party grieved, ten pounds current money, to be recovered, with costs, by action of debt.” Henning, *Statutes*, 6:80-81. Though there is no indication that Ashby’s charge resulted from a gambling altercation, it would seem that the 30 shillings fine plus court costs was not the most severe judgment possible from the court.

²⁸ Daniel Hoyer advertised for a runaway “apprentice lad named James Stewart, by trade a wheelwright.” Stewart had run away from Hoyer’s Williamsburg business in 1766. *Virginia Gazette*, ed. Purdie, 30 May 1766, 3.

²⁹ York County Order Book 1765-1768, 218; York County Wills and Inventories, 21: 448-453; and York County Judgements and Orders 2, 1770-1772, 189.

Ashby lived and worked within the town, transacting business with several residents: Samuel Trower, Joseph Parrott, Daniel Hoye, Dr. Peter Hay, and Samuel Spurr.³⁰

Ashby did not carry on a quiet, reserved life. The conviction for assault and battery must have damaged Ashby's character and reputation in the small community. Matthew Mayes of Amelia County again damaged that reputation when he accused Ashby of harboring a runaway slave named Sam. Despite any shortcomings of character or reputation, Ashby's relationship with individuals in the Williamsburg neighborhood afforded him some measure of respect. He called on and received the patronage of at least one highly placed member of Virginia society.

On drawing up his will in 1769, Matthew Ashby listed John Blair as executor of his estate. Blair, patriarch of a long-standing and prestigious Virginia family, was a member and president of the Governor's Council. When Ashby died in 1771, Blair refused to be the executor. There is nothing in the record that suggests why. Possibly Blair feared his advanced age and health prohibited him from taking on the obligation. Still, some connection must have existed between the two men, for it was Ashby's last wish that Blair administer his estate in trust for his wife and children.³¹

If, as in the case of Matthew Ashby, skin color did not necessarily make social status evident, neither did size and design of a dwelling in Williamsburg. James

³⁰ Michael L. Nicholls, "Straddling Hell's Boundaries: Profiles of Free People of Color in Early Virginia," *Paper*, Fall, 1991, 3-8.

³¹ York County Judgements and Orders 2, 1770-1772, 229; and York County Wills and Inventories 22: 25-26 and 34-35.

Geddy's home was a prominent one commanding the corner of Duke of Gloucester Street and the Palace Green. The two story wood frame building seemed as large (if not larger) than President of the Council John Blair's. Its partial hipped roof was reminiscent of Attorney General Peyton Randolph's dwelling on Market Square. Geddy's house seemed to emulate Councilor Robert Carter's wood-frame Georgian home. The Carter house was close by on Palace Green. Geddy's facade created the illusion of the classic central hall, four rooms up, four rooms down design. Geddy even mimicked the classical porch and columns of Councilor Carter's home. But Geddy's was not the home of a gentleman. Geddy was a mechanic. Behind the home's street facade visitors discovered an "L" shaped home one room deep designed to command a respectable appearance on the corner lot. It was a mechanic's home that included shops and work spaces. By the mid-1760s the Geddy family had a thirty-year history in the Williamsburg community. His father (James Geddy senior) worked as a gunsmith in the city.³²

By 1751, James Geddy junior's brothers, David and William, worked on this site as smiths, gunsmiths, cutlers, and founders. In 1760, James bought the property from his mother and established himself as a silversmith. Seven years later he

³² *Virginia Gazette*, 8 July 1737; 6 October 1738; 5 October 1739; and "York County, Deeds 4, 1729-1740," 535-536. Kevin Kelly, "Character Biography: James Geddy," Colonial Williamsburg Research Report. Edward A. Chappell, "Housing a Nation: The Transformation of Living Standards in Early America," *Of Consuming Interests*, 132-167, discusses the adaptive use of Williamsburg housing. He notes that buildings often served as home and business. While a tradesman's dwelling might appear "high-style" from the street, it was often manufactory, store and living space combined.



Figure 1: The James Geddy House, (Pete Turner, Reprinted from *Official Guide to Colonial Williamsburg*, Williamsburg: Colonial Williamsburg Foundation, second printing 1986.).



Figure 2: The John Blair House, (Turner, Reprinted from *Official Guide*.)



Figure 3: The Peyton Randolph House, (Turner, Reprinted from *Official Guide*.)

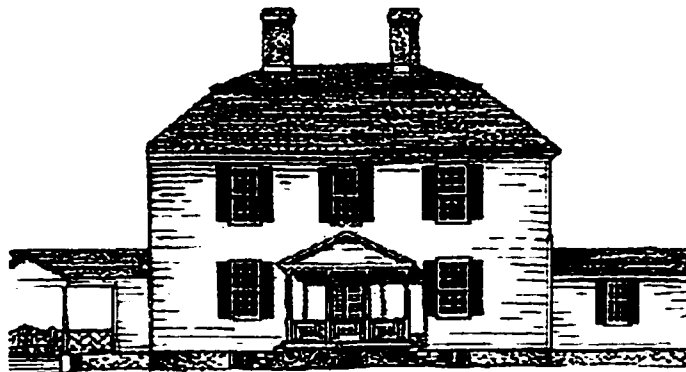


Figure 4: The Robert Carter House, (Turner, Reprinted from *Official Guide*.)

advertised himself as a goldsmith, the most prestigious of craftsmen. His shop had all manner of tea spoons, tongs, buckles, buttons, and jewelry for sale. He also offered to repair watches. In 1767 he became a member of the Williamsburg Common Council. Despite his success, however, Geddy was a tradesman and he continued to work as a master craftsman until his death in 1807.³³

If a traveler met Benjamin Powell on the streets of Williamsburg, he probably perceived confused signals about the man's status. Powell's origin was obscure. He was not of gentry breeding. Apparently he was born in Warwick County in the late 1720s or early 1730s. Powell's education consisted of an apprenticeship in trade. He may have practiced as a wheelwright for a time, but by 1755, he identified himself as a carpenter/joiner. Powell was more than a simple tradesman. He obviously had a keen entrepreneurial bent.³⁴

By the 1760s, the mechanic turned his knowledge of carpentry into lucrative work as a building contractor. Powell undertook several public projects in the 1760s

³³ *Virginia Gazette*, ed. Hunter, 8 August 1751 and *Virginia Gazette*, ed. Purdie and Dixon, 5 March 1767; York County, Deeds 6, 1755-1763, 276-278; Petersburg Hustings Court, Minute Book 1805-1808.

³⁴ The earliest mention of Powell appears in 1752 in the Warwick County Minute Book, 120. According to his brother Seymore, Benjamin was from Warwick County. York County Records, Deeds and Bonds 5, 36. When Frederick Bryan, an orphan, was apprenticed to Powell that year the master's occupation was listed as Carpenter. York County Deeds 6, 1755-1763, 57-58. In 1764 his occupation was listed as Carpenter or Joiner in an apprenticeship indenture for Wade Mountfort. York County Deed Book 7, 1763-1769, 37-38. These notes on Benjamin Powell have been compiled by Kevin Kelly, "Character Biography: Benjamin Powell" Colonial Williamsburg Foundation.

and 1770s. They included repairs to the public jail, constructing the steeple of Bruton Parish Church, repairing the Capitol, and enlarging the living quarters at the Governor's Palace. His largest contract was the construction of the Public Hospital.³⁵

Powell served in the York County court as a petite juror, a grand juror, and a jury foreman. Then, in 1767, he became a member of Williamsburg's Common Council where he took his seat with James Geddy. The two tradesmen served alongside Peyton Randolph, who was first Attorney General for the colony and then later Speaker of the House of Burgesses. In 1769, Powell owned one thousand twelve acres of land in James City County, placing him in the top 10 percent of land owners. Only six men in York County owned more than Powell's thirty-one slaves. By the mid-1770s Powell identified himself as a gentleman.³⁶

³⁵ *Journal of the House of Burgesses of Virginia, 1761-1765*, ed. John Pendleton Kennedy (Richmond: 1906), 337; Reverend John C. McCabe, "Sketches of Bruton Parish, Williamsburg, Virginia," *American Ecclesiastical History* (January, 1856), 615-616; *Journals of the House of Burgesses of Virginia, 1766-1769*, ed. John Pendleton Kennedy (Richmond: 1906), 339 and 349; *Executive Journals of the Council of Colonial Virginia*, ed. Benjamin J. Hillman (Richmond: Virginia State Library, 1966), 6: 437; and *Journal of the House of Burgesses of Virginia, 1770-1772*, ed. John Pendleton Kennedy (Richmond: 1906), 191.

³⁶ York County Judgements and Orders (3), 4, 90, 135, 263, 298, 358 and 481; York County Judgements and Orders (4), 312; York County Judgements and Orders (1772-1774), 151; *Virginia Gazette*, ed. Purdie and Dixon, 3 December 1767; Kelly, "Character Biography: Benjamin Powell," 16-17.

Powell is also listed as a member of the Williamsburg Committee of Safety in 1774 and 1775, *Virginia Gazette*, ed. Purdie and Dixon, 22 December 1774, 2; and *Virginia Gazette*, ed. Purdie, 9 November 1775, 3. From 1776-1787 he was a Marshall of the Admiralty Court, *Virginia Gazette*, ed. Pinkney, 30 August 1776; and *Tyler's Quarterly*, 8: 68. By 1778 he was serving as a Justice of the Peace in York County, York County Order Book 4: 1774-1784, 168 and 312.

Men like Benjamin Powell and James Geddy could attain significant stature within their community. Neither man displayed the confluence of family, wealth, social graces, occupation, education, or power that gave them clear title in the ranks of Virginia's elite. Still they exercised a great degree of mobility. Powell parlayed his entrepreneurial skills into land holdings so substantial that he apparently retired from his trade to become a significant planter in York County. Powell joined the gentry ranks. On the other hand Geddy, despite some significant property holdings, remained a mechanic.

Even among Virginia's most established families, appearances were sometimes deceiving. John Blair was President of the Governor's Council. As such, he served more than once as Virginia's chief executive, during the transition between governors. His daughter, Anne, carried gentry station well. As a counselor's daughter she met with and exchanged social graces with the most prominent visitors to Virginia. Many in the colonies extolled Anne Blair, affectionately known as Nancy, as the most genteel of America's maidens. St. George Tucker met Anne Blair in 1771 at the home of her brother, Dr. John Blair. Hearing of Anne's arrival excited Tucker beyond measure. He waited in anticipation to meet this "most accomplish'd, enchanting young Lady." He pictured in his mind "one of those blooming Beauties, whose irresistible Charms captivate at first sight." When Anne entered the room his "expectations were instantly awakened." "Her Air, Step, and Manner" exceeded anticipation, but when she removed her hat, Tucker beheld a "Face in which I could not discover a single feature

that could even be called handsome, and a Complexion which could neither boast of decorations of Roses, or of Lillies.” Amazed, he first “concluded there must be two Ladies of the same name, and that this was the one of which I had not heard.” But Anne Blair was more than she seemed at first glance. As they engaged in the genteel conversation of the parlor, Tucker recalled, “I forgot I had been expecting to meet with a Venus, in the Conviction that I had at least encountered one of the Graces.” By the time the visit concluded, he found himself “struck dumb.” He departed the Blair home confident that he had met “one of the most amiable, most estimable, and most accomplish’d of her Sex.” From that day until Anne’s death in 1813, Tucker considered her “the most beloved, & intimate friend” of his life.³⁷

Jeremy, a slave who belonged to George Washington, recalled a time before the Revolution when he had not recognized his master. Washington, apparently, had been away for some time. As Jeremy was traveling down a road in Fairfax County one day, he saw a man coming towards him on horseback. The man had “his right leg over de pommel of de saddle, woman fashion, wid a broad piece of paper in his lap reading, and de bridle rein loose in his fingers.” His clothing was not that of a gentleman. He wore “a sort of round jacket wid moccasin gaiters.” The man had gone without shaving for some time. Jeremy looked on the man from a distance thinking, “I know him.” It was not until Washington got closer and called to Jeremy that the slave

³⁷ *Universal Magazine* (February, 1764); “St. George Tucker Notebook,” Swem Library, College of William and Mary, 31-34.

recognized, “twas mass George, sure enough.”³⁸

People were not always what, or who, they seemed by their physical appearance. Though elites may have defined society in ranks and established orders, James Geddy, Benjamin Powell and others demonstrated a great deal of mobility. Individuals of every status expressed aspirations, problems, and conflicts. Their success at mediating those ambitions and concerns depended partially on social status. To a great extent, however, communities and their institutions were flexible enough to respond in some surprising ways.

Matthew Ashby had married and sired children by a slave named Ann who belonged to Samuel Spurr. The law did not recognize Ann’s marriage. As property she could not legally take a spouse. Spurr must have given some recognition to the union because he permitted Ann’s husband to buy her and the children. In 1769, Ashby paid Spurr one hundred fifty pounds for Ann and his children John and Mary. Purchasing his wife and children did not mean that they were free. This action only transferred property from one man to another. Without taking additional steps, a court could order Ashby’s wife and children sold for payment of debt. On his death they would become part of his estate and offered up for sale.

On November 27, 1769, Ashby, noting that Ann had “been a faithful and diligent Wife ever since marriage,” requested permission “to set her and his Children

³⁸ James Kirk Paulding, *Letters From the South by a Northern Man, New Edition* (New York: Harper and Brothers, 1835), 2: 197.

free.” The “Board being satisfied” with the petition, “were of opinion, that the said Ann, John and Mary were deserving of their freedom, and it was order’d that the said Matthew Ashby have leave to Manumit and set them free.” After 1723, manumissions were, by law, granted only for “meritorious services, to be adjudged and allowed by the governor and council.” Given Ashby’s apparent connection with John Blair, it seems probable that the councilor exercised influence in favor of Ashby’s petition. Before the Governor’s Council, Ashby gained the freedom of his wife and children though law did not sanction his marriage to a slave.³⁹

Undoubtedly, Matthew was one of the “Mulattoes and free Negroes” petitioning the House of Burgesses in May 1769. Their petition sought the assistance of lawmakers in altering the colony’s poll tax system. According to law, each head of household paid a tax for the tithables within his household. Virginia calculated tithables by the number of men over the age of sixteen (black or white) and black women sixteen or older. The law exempted white women, of any age. Thus, Ashby and other free blacks in Virginia paid a poll tax for their wives and daughters of African heritage, while the wives and daughters of whites received an exemption. On May 20, 1769, free black men petitioned the assembly “praying that the Wives and Daughters of the Petitioners may be exempt from the Payment of Levies.” The petition received favorable consideration by a committee of the house who recommended

³⁹ *Executive Journals of the Council of Colonial Virginia*, 6:334-335; Hening, *Statutes*, 4: 132; and Nicholls, “Aspects,” 121-129.

appropriate action, but the assembly did not have time to act. Lord Botetourt, governor of the colony, dissolved the burgesses in response to their petition of grievances drafted for King George III. The burgesses reconvened in November of that year and again took up the free blacks' petition. On November 30 the Assembly approved a bill, amended by the Council, which exempted the free wives and daughters.⁴⁰

If the free mulattos of Virginia could successfully petition the House of Burgesses, one might expect a gentleman of influence to produce dramatic results. The Reverend John Dixon, member of a prominent Virginia gentry family, was surprised how little influence he possessed in a contest with the town of Falmouth trustees. Dixon owned several lots in the town that fronted on the main street along with a mill and ferry adjacent to the town. Two of the trustees, Dekar Thompson and Gavin Lawson, were Scottish factors operating in Falmouth. These two merchants were not Virginians. Their families and property were in Britain. Acting for the town, the trustees took on gentleman John Dixon.⁴¹

⁴⁰ Michael L. Nicholls, "Straddling Hell's Boundaries," 4-5. *Journal of the House of Burgesses 1766-1769*, 198-199, 203, 246, 251, 267, 275, 295, and 304; and H. R. McIlwaine, ed., *Legislative Journals of the Council of Colonial Virginia*, second edition (Richmond: 1979), 1397 and 1400-1401.

⁴¹ Chapter three begins with a more detailed description of merchants and their role in Virginia's society and economy. It can only be described as a love/hate relationship. Merchants – even Scots factors – were often influential respected members of local communities. At the same time factors, in particular, were suspect, accused of fraud and collusion in manipulating the tobacco market. Factors were often described as leaches sucking the life blood out of Virginia's economy. This schizophrenic attitude is not surprising. It is much like attitudes expressed towards Virginia gentry after 1750. On one hand revered as powerful leaders, elites were also criticized as extravagant and

The first trustee decision affecting the gentleman had to do with the layout of the main street. They redesigned the street. Dixon found that his property no longer fronted on the main thoroughfare. Then, the trustees decided that the ferry operated by Dixon was not actually his, but property of the municipality. They took over operation of the facility. Finally, after a sickly summer in the town, they decided that the illness originated at the poorly kept mill pond owned by John Dixon. Their solution was a resolve to take down his dam and shut down the mill. Dixon complained to the courts but received no assistance. Then in a surprise move, the factors requested and received legislation from the Virginia Assembly confirming the changes they proposed for the town plan. Despite gentleman Dixon's position in the community, he could not have his way with the public in matters of property or law.⁴²

The result of this conflict was quite surprising. Dixon and his family should have exercised a good deal of influence with the House of Burgesses. Dixon's brother was a burgess. Despite his efforts to support and lobby for the Reverend's cause, the House went against one of their own. It seems that the Falmouth trustees, though interlopers in Virginia, expertly maneuvered the political situation to their advantage.

Communities provided individuals with place and helped define relationships with others, but every individual, including slaves and women, exercised a certain

self-centered leaches on Virginia society. Ragsdale, *A Planters' Republic*, 36-41; Isaac, *Transformation*, 163-177.

⁴² *Virginia Gazette*, ed. Purdie and Dixon, 2 April 1767, 2; 14 May 1767, 2; and 21 May 1767, 3.

degree of latitude with a recourse for action. Communities and their institutions were open to mediate and resolve at least some situations and conflicts, at times with surprising results. Pheby, a runaway, was openly tolerated in the Williamsburg community. The Governor's Council recognized Ashby's marriage to a slave and accepted it as supporting evidence in his manumission petition. Free mulattos successfully petitioned the Assembly to exempt their wives and daughters from the list of tithables. The House of Burgesses supported the Falmouth trustees, not gentleman Dixon. In these situations Virginia institutions showed a fair amount of flexibility.

Virginia's institutions were also, at times, manipulated for the benefit of special interest. When members of the community perceived injustices or problems, they could take matters to a public forum. Community leaders found their actions held up for scrutiny. During the winter of 1766-1767, Purdie and Dixon's *Virginia Gazette* related a scandal in Portsmouth Parish. The vestry, after contracting with an undertaker for the construction of a new church, accepted his work and occupied the building in 1764. Two years later, the poor construction of the sanctuary, "rent from top to bottom" and "now ready to tumble down," created an uproar. Charges leveled in the *Gazette* alleged that two vestrymen, George Veale and Doctor David Pursilly, conspired with the sexton and undertaker to use substandard materials and thereby defraud the parish. These allegations were at the heart of several satirical newspaper articles. No doubt, the author of these pieces was a rival Portsmouth leader. By taking on the posture of a "poor man," however, the satirist launched an attack designed to

remind vestrymen – leaders in the community – that they were no less accountable for their actions than the most common of Virginia’s freeholders.⁴³

In the first of three pieces, the writer identified himself as “Timothy Trimsharp.” By relating particulars of the Portsmouth Parish Church incident, Trimsharp’s satire revealed the nature of personal relationships and interactions in Virginia. His satiric approach exaggerated the motives of individuals involved in this affair, but daily interactions and cultural values of Virginia society informed Trimsharp’s wit. The individuals portrayed in Trimsharp’s satire were well-known local figures. Each had a history with the community. That history formed their reputation, a highly valued possession that every individual protected. Within the community, individuals carried their reputation into personal interactions. One individual with greater status gave favor or patronage to another of lesser rank. That favor was not a gift, however. The patron expected something in return: loyalty, services, favor, or support. This was the ritual of individual interaction in a contest for social, economic or political advantage.

In the second piece Trimsharp showed how these interactions took place. A nearly illiterate vestryman requested the assistance of Doctor David Pursilly. He began by addressing the Doctor as “Worthy Sir” and recognized the physician as “the

⁴³ *Virginia Gazette*, ed. Purdie and Dixon, 11 December 1766, 3; 8 January 1767, 2-3; and 19 February 1767, 1. Dell Upton, *Holy Things and Profane: Anglican Parish Churches in Colonial Virginia* (New York: The Architectural History Foundation, 1986), 19.

learn'dist man in our parish." This education, he reasoned, "was the cause the[y] chus'd you forman" of the vestry. The writer, only identified as "a poor man," apologized for his boldness, but requested Doctor Pursilly's favor. The vestryman hoped Pursilly could write a letter to the *Virginia Gazette* disputing the charges laid against the Portsmouth vestry. He told the doctor that the vestry voted and accepted the church building because George Veale, the prominent and "most knowing man" of the vestry, promised to take on "the management" of it, just as "he always has done." Our "poor man" noted that only one vestryman, Mr. Brickell, seemed "ill plees'd" and complained about the vote. Again the writer implored Dr. Pursilly for help. If the Doctor became their champion the simple vestrymen promised to "imploy you when the[y] want a Doctor." The writer considered this an "onest" reward for Doctor Pursilly's favor.⁴⁴

In the final installment, Mr. Trimsharp constructed a letter from George Veale. Veale claimed an "honest livelihead" as a butcher, killing "hoggs and beefs fortен years by past." He vehemently attacked the "cursed lyes" levied against him and blamed the problems at Portsmouth Church on the undertaker. According to Veale the undertaker was an individual worthy and in need of his patronage. He now realized, however, that in building the church he "went into a sort of partnership with an ignorant fellor, who neither knew his own interest nor the work we had undertaken." Veale further reasoned that the vestry had no choice but to pay the undertaker for the

⁴⁴ *Virginia Gazette*, ed. Purdie and Dixon, 19 February 1767, 1-2.

faulty work. He maintained it would be “unhumen hard in them to punish in the purce a poor tredsman and his family, who stuck to his worke day and night, becaes he was not acquainted with building churches, which he had never tried before that abominable jobb.” On closing his letter to the *Virginia Gazette* the butcher reflected, “Whoever steals my purse, steals trash; It was mine, it is his, and may be a slave to tousands. But he that filshes from me my good name Takes that which doth not enrich him, but Makes me poor indeed.”⁴⁵

In the satirist’s view, community leaders (members of the vestry) violated the public trust. They allowed George Veale undue influence. Even Dr. Pursilly, the foreman, acquiesced to Veale. And Veale was no more than the swindler hiding behind the patronage system. He was not a gentleman who used his patronage connections for the good of the community. George Veale and the members of the Portsmouth Vestry misused their authority and were publicly ridiculed for their improprieties.

As Trimsharp’s satire indicates, community leaders, on occasion, deserved the admonishment of their peers and constituents. In general though, it appears that leaders and constituents developed a series of complex alliances. With these links and connections the community conducted its business in a web of “good ole boy” exchanges. These alliances within communities were often intricate and obscure to outsiders. In 1750, gentleman John Randolph tried to warn Daniel Fisher about these complexities. They met each other during Fisher’s voyage to Virginia. Randolph

⁴⁵ *Virginia Gazette*, ed. Purdie and Dixon, 19 February 1767, 2.

advised Fisher to look carefully for these inter-connections between Virginians. He cautioned “against disobliging or offending any person of note in the Colony.” “Either by blood or marriage, we are almost all related, or so connected in our interests, that whoever of a Stranger presumes to offend any one of us will infallibly find an enemy of the whole nor right nor wrong, do we ever forsake him, till by one means or other, his ruin is accomplished.”⁴⁶ Unfortunately, Fisher did not sufficiently heed the warning. Or, perhaps, it was the long memory of the community that conspired in Fisher’s downfall.

Daniel Fisher was not new to Virginia when he and his family landed in Yorktown during the spring of 1750. He had lived in the community nearly thirty years before. About 1727 the restless Fisher left the colony for England. By 1750 though, this aspiring merchant lamented his decision. England was “a Land abounding in luxurious Temptations” and he sought a better place to raise his children. That place, he determined, was Virginia where he had some experience. For Fisher it was a land of opportunity. When he landed in Yorktown, Fisher attempted to reconnect with former friends and acquaintances, no doubt with the understanding that these community connections were important to his success. He discovered that many former allies were now dead. The enterprising man was not ill-prepared however. He brought with him letters of introduction from several prominent Englishmen, including one

⁴⁶ Daniel Fisher’s Journal is published in chapter 13 of Louise Pecquet du Bellet, *Some Prominent Virginia Families* (Baltimore: Genealogical Publishing Company, 1976, reprint Lynchburg: J. P. Bell, 1907), 767.

from former Governor William Gooch.⁴⁷

But these recommendations may not have assuaged the long memory of Virginians. In 1722, Fisher had brought charges against local magistrate and burgess Colonel Lawrence Smith, accusing Smith of striking him. At the time, Fisher did win the case, but on returning to Virginia in 1750 he was surprised to find the incident easily recalled by acquaintances after nearly thirty years. Even more important, apparently, was the connection between the offended Smith family (for the Colonel was now dead) and the Nelsons. Both were prominent Yorktown families and the matriarchs of both families were sisters.⁴⁸

Fisher, with his letters of introduction, applied to William Nelson for assistance. The newcomer needed a loan to pay off a debt he had contracted. Nelson seemed reticent, but after several applications, Fisher received the favor. With his affairs apparently on the mend, Fisher moved to Williamsburg and rented the Coffee House next to the Capitol from Henry Wetherburn. With an entrepreneurial spirit Fisher set up his business and sublet space. Just as it appeared he was going to make a go of his Virginia venture, he received a visit from Colonel Philip Lee. Lee “stalked” into Fisher’s house one day wearing “the garb or habit of one of our Common Soldiers” and

⁴⁷ Emma L. Powers, *Landlords, Tenants, and Rental Property in Williamsburg and Yorktown, 1730-1780* (Williamsburg: Colonial Williamsburg Foundation, 1990), 9-17; Bellet, *Some Prominent Virginia Families*, 764.

⁴⁸ Wendy J. Baker, “An Analysis of Daniel Fisher’s Journal, 1750-1755” (M.A. thesis, College of William and Mary, 1992), 7 and 72.

without identifying himself demanded to see the rooms Fisher had for rent. Then the gentleman Lee – a close cohort of the Nelsons – proposed swapping properties. Fisher refused on the grounds that the location of Lee’s property was not advantageous for business. This refusal, though, was apparently all that Lee and Nelson required to actively renew the ill will they harbored towards Fisher.⁴⁹

It seems clear that Lee and Nelson conspired to turn a series of businessmen against Fisher. Wetherburn, his landlord, refused to live up to the terms of verbal agreements struck between the two men. When Fisher sought corroboration as to the nature of these agreements from community witnesses, memories lapsed. Thomas Carter, the clerk for Benjamin Waller “an Att[orne]y of great practice,” had witnessed the original signing of the lease. Carter “remembered but little of the matter.” Another witness, Mr. Swan, like Carter could not recollect the agreement. Without two corroborating witnesses, Fisher had no legal recourse against Wetherburn. And then John Holt, merchant by trade and Mayor of Williamsburg, lodged a complaint against Fisher. Holt accused Fisher of selling spirits to Negroes. The resulting scene at Williamsburg’s court day was not without some entertainment for the community. Angry unsubstantiated charges and countercharges flew between Fisher and the mayor. Fisher though, was able to keep his license.⁵⁰

⁴⁹ Baker, “Analysis,” 35; and Powers, *Landlords*, 12-13.

⁵⁰ Baker, “Analysis,” 36-38.

Fisher's problems in the community continued. A fire consumed a neighbor's house in April 1754. High winds caused concern among members of the community, and in an effort to keep the fire from reaching the Capitol building Mayor and Chief Magistrate John Holt ordered Fisher's house leveled for a firebreak. A mob attacked Fisher's property, and Holt took no care to insure that any of Fisher's personal property was secured. The house was looted until gentleman Benjamin Grymes came upon the scene and demanded that the action cease. Over and over again Fisher found himself at odds with someone in the community. Even when thieves were apprehended breaking into his house, magistrates friendly to the Nelson and Lee interests released them. Daniel Fisher had been closed out of the Virginia community in which he had hoped to prosper by a powerful network of personal relationships. Few alternatives remained. Fisher left Virginia in 1755.⁵¹

No individual could stand alone in Virginia society. Survival depended on the good will and favor, or patronage, of others. These reciprocal relationships – some with those more powerful, some with peers of similar stature, and some with lessers – were essential networks of influence. The system was competitive, filled with potential tension and conflict. Each individual attempted to negotiate the way that gained benefit, not retribution. Most often this effort placed individuals into coalitions, with subtle links between patrons and benefactors. This system could produce extraordinary benefits for individuals or the community. At times, however, individuals manipulated

⁵¹ Baker, "Analysis," 38-42.

alliances for their own benefit and at the expense of others.

One might expect the powerful individual in the relationship to manipulate the weaker. But even in the most stark exercise of power – relationships between master and slave – the weaker might successfully manipulate the stronger, though not win in the end. The cook of a household held a central position. Much of the house operation revolved around food preparation, from buying produce and meats, to storing and preserving foods, to the actual presentation of meals on the table. To get the job done, a good cook directed the work of others. A good cook almost guaranteed that a mistress would have a smooth-running household. Elizabeth Jones thought she had a good cook. Thomas and Elizabeth Jones owned Venus, and she worked at their Williamsburg residence. When Elizabeth managed the household, Venus apparently performed her duties well. When Elizabeth went away to England, however, Venus suddenly lost all her abilities.⁵²

Without her mistress, Venus “did not know any comon thing” about the kitchen. She required assistance in every task and could not “send in a dish of Meat fit to set before any body.” Venus created a tremendous stir in the house. It was impossible for Jones “to have any ease in the family.” Thomas Jones surmised that Venus orchestrated this sudden incompetence because she wanted to leave Williamsburg and return to one of Jones’s plantation quarters. Maybe Venus had been separated from a

⁵² Thomas Jones to Elizabeth Jones, July 22, 1728 and October 22, 1736, Jones Family Papers. Nicholls, “Aspects,” 59-60.

husband or children as Jones moved his slaves from quarter to quarter. Finally Venus became “so incorrigable in her bad Habits” that Thomas Jones sent her back to the quarter. In doing so Jones vowed, “I will take care [it] shall not be so great a satisfaction to her as she imagines.”⁵³

Certainly Venus’ resistance was not without consequence. In challenging the will of her master the slave took a calculated risk. It was a step into direct conflict with the household patriarch. Venus must have weighed the pros and cons carefully. If a reunion with family was important enough to her, then any punishment or retribution from the master would be worth the risk. It also seems that she selected the timing of her demonstration carefully. By choosing to “forget” her kitchen skills when the mistress was not home, she probably made the situation even more desperate for Thomas Jones. With his household in an uproar, he would have to take some step to remove Venus. Sending her back to the quarter was a logical decision.

These disagreements between master and slave also required a degree of tenacity and determination from the slave. Venus probably protested for several months before Jones finally made his decision to send her off. They could also cause a master to question his decisions. Jones asked his wife to find a “Capable Servant” to bring home from England. He obviously decided that a slave cook was not the best arrangement.⁵⁴

⁵³ *Ibid.*

⁵⁴ Nicholls, “Aspects,” 60.

The same contest of wills could take place between employers and their employees. On October 13, 1772, James Robinson congratulated Mr. Francis Hay by letter. He had selected Hay as the new factor for William Cuninghame and Company's store in Dumfries. We know little of Hay's background. Apparently he was a young Scotsman traveling in Virginia, searching for a future. When Robinson needed a factor for the Dumfries store he interviewed and selected Hay for the position. Robinson wasted no time taking his new charge under his wing. The senior factor provided extensive information concerning the operations of the Scottish merchant company in Virginia and advised his young charge on the personal behavior expected from his storekeeper. He counseled a "generous, easy, affable and free" association with customers and exactness "in fulfilling your engagements or even your most trivial promises." These steps, he assured Hay, engaged the "esteem, regard and confidence" of patrons. "You will also study to live on good terms with your neighbours in town, but too great an intimacy with any of them may be attended with bad consequence." Robinson further admonished him that "Frugality or economy is generally the offspring of a sound judgement, despising the opinion and censure of the thoughtless part of the world." "On this plan alone," Robinson said, "a large and extensive trade can be carried on."⁵⁵

⁵⁵ "James Robinson to Mr. Francis Hay, Falmouth, October 13, 1772," T. M. Devine ed., *A Scottish Firm in Virginia, 1767-1777: W. Cuninghame and Co.*, (Edinburgh: Clark Constable, 1982), 60-64.

Francis Hay fell short of Robinson's expectations. Four months after Hay's appointment, Robinson removed Hay as factor for the Dumfries store. Clearly, management of the store was an issue, but the "enquiry of his conduct" centered on Hay's reputation and character in the community of Dumfries. Robinson discovered that Hay maintained a relationship with "a servant girl" whom he purchased and "kept for sometime." Hay also came to enjoy the gaming so prevalent in Virginia society and his gambling "excess soon became common." The factor's addiction "to this vice" led him to lose as much as "£60 at a sitting." Even if the store was profitable under Hay's management, his personal habits and reputation with the community did not reflect well on Robinson or William Cuninghame and Company.⁵⁶

This conduct demonstrated to Robinson "a weakness of judgement, great imprudence and incapacity" requisite for proper management of the Dumfries store. Robinson did not seek retribution, despite the violation of his trust. As a patron, Robinson expressed concern for the young man's future. He offered Hay an assistant's position at Fredericksburg or Petersburg, hoping to "in a great measure save his character." Francis Hay refused the position. Robinson informed Hay he intended to post a public announcement of the change in management. Hay became angry and threatened a counter advertisement. The anger subsided only after Robinson showed

⁵⁶ "James Robinson To Mr. John Turner, Falmouth 18th March 1773;" "James Robinson to Messrs W. Cuninghame & Co., Falmouth 21st February 1773;" and "James Robinson to Messrs W. Cuninghame & Co., Falmouth 26th February 1773;" Devine, *Scottish Firm*, 67-68, and 103-108.

Hay the text of the announcement, reassuring him that it did not impugn his character in a public way. A few days later, Hay sued Robinson in Prince William Court demanding damages for voiding his employment contract without proper cause.⁵⁷

In taking on an employee Robinson claimed the role of patron. He directly and clearly communicated his expectations for Hay. When the employee failed to meet those expectations, he violated a trust. The violated trust – Hay’s mismanagement and personal reputation – also reflected on his patron. Robinson redeemed his reputation and that of William Cuninghame and Company by taking direct action. The senior factor chose to continue his patronage of Hay. He felt responsible for assisting and guiding Hay’s future, hence, his repeated offers of assistance to Hay until the young man rebuked Robinson at least three times. First, Hay declined any further aid from his one-time patron and employer. He did not accept an assistant’s position with the merchant firm. The second rebuke also occurred in a private exchange when Hay balked at a public announcement of the management change at the Dumfries store. Apparently though, Robinson intended no damage to the employee’s reputation. The public announcement only advertised the change in management, not the reasons for the change. A final rebuke severed personal and business relations between the two completely. Suing in Prince William Court, Hay impugned his employer’s reputation to the public at large. No doubt, by this point Hay had earned the enmity of Robinson, and as we saw in the case of Daniel Fisher, that could be dangerous.

⁵⁷ *Ibid.*

Negotiating the community required assistance from friends and acquaintances. It was a complex web of family, economic, and political ties. And in many respects it was like a shadow world where things were not always as they first appeared. The best dressed and most genteel may be the hired tutor. The casual and unshaven might prove to be gentleman George Washington. Enough mobility existed in white society to permit an inconsistency in status. Economic and social ranking did not necessarily equate to education or gentility. Gentlemen did not always get their way even in the realm of politics, while free blacks could successfully petition for redress of grievances. Without patrons, associates, and alliances, individuals could not survive in the community.

The complexity of these exchanges between individuals is even more dramatic because of the ways Virginia communities connected themselves to each other. Roads, ships, and merchants linked these communities together with each other and with a larger imperial system. The newspaper did the same. Issues like the Portsmouth church scandal and Dixon's struggle with Falmouth trustees filled the press. These exploits became common knowledge in other Virginia communities. It was a constant reminder that Virginia was a dynamic place. It was a constant reminder that Virginia communities shared some concerns and issues with other communities. As we shall see, a series of issues forged relationships between Virginians of different communities, other colonies, and the mother country in a larger imperial world.

CHAPTER II

“THE DEEPER TONE.”

Edmund Randolph, we have noted, saw the mid-1770s in Virginia as a time when the relationships between “man and man” were changing. These social tensions between individuals and groups linked with the “deeper tone” in British colonial relations to set a context for the struggle with Great Britain. This deeper tone involved more than Britain’s governmental policies. It was a the result of governmental, economic, social, and cultural changes affecting Virginia communities, often in dramatic ways. As events of the 1760s and 1770s unfolded, these underlying domestic tensions along with deteriorating imperial relations shaped the responses of Virginians and represent the background against which the tableau of approaching revolution took shape.

Merchants

Elite planters had a love-hate relationship with merchants. Ideally, planters sought a personal and commercial relationship with their British tobacco merchants. It was to be a friendly exchange across thousands of miles. Planter and merchant acted together as partners in a mutually beneficial relationship. By consigning tobacco to a merchant, planters consummated the relationship. Merchants marketed the crop in

Britain and received a commission for managing the planters' accounts. Profits returned to Virginia as manufactured goods. Planters also expected merchants to act as their agents in Britain, representing them in governmental, financial, and personal matters. Planters expected more than economic profits from this arrangement. They also expected to gain and maintain a personal autonomy they described as independence. It was the planter's tie to the metropolitan center that secured advantages for his provincial existence.¹

The consignment system, however, did not operate according to the ideal envisioned by Virginia's elite planters. British merchants also sought benefits from this planter-merchant relationship. They proved quite adroit at operating the system to their advantage, assigning costs, commissions, and fees that netted lucrative profits. The planters' quest for personal autonomy in their relationships with British merchants most certainly was naive. They built the relationship on a foundation of credit and Virginia's planters reveled in its easy availability. Planters ran up significant debts with their merchant houses, debts that compromised their independence.²

George Washington, for example, established relationships with several British

¹ Emory G. Evans, "Planter Indebtedness and the Coming of the Revolution," *William and Mary Quarterly*, 3d. ser. 19 (October, 1962): 511-533; Bruce Ragsdale, "George Washington, the British Tobacco Trade, and Economic Opportunity in Prerevolutionary Virginia," *Virginia Magazine of History and Biography*, 97 (April 1989): 134-136; Ragsdale, *Planter's Republic*, 1-36.

² Evans, "Planter Indebtedness"; Ragsdale, "George Washington," 134-136, 142-143, and 146.

merchants as he pursued the consignment trade. At first he worked with smaller firms, principally Thomas Knox and Richard Washington. Marriage to Martha Custis provided a prestigious connection with the firm of Robert Cary and Company. After 1759, Washington increasingly focused his business on the Cary firm. Cary, like any consignment merchant, handled Washington's tobacco accounts, but did not bear the expenses related to the trade. Cary deducted the cost of insuring cargoes at sea from Washington's bill. Freight and the various duties on tobacco appeared on Washington's account. Finally, when Cary and Company sold the tobacco, the merchant received a commission of 2½ to 3 percent of the sale price.³

Cary and Company filled Washington's orders for British merchandise. When he received Washington's order, the merchant contracted with the tradesmen and artisans who could fill the shopping list. Merchants purchased these items on twelve months' credit and charged Washington the cost of goods plus the interest. A merchant might, however, increase profits by paying cash for the goods before the end of twelve months, while the planter paid interest for the full period.⁴

Washington called on Cary and Company for financial services. The merchant provided bills of exchange that financed the purchase of new land and slaves. They also managed the profitable Custis trust for Washington's stepchildren. The very profitable Custis account ran a surplus on which Cary and Company paid 4 percent

³ Ragsdale, "George Washington," 139-141.

⁴ Ragsdale, "George Washington," 142-143.

interest. By the mid 1760s Washington had fallen eighteen hundred pounds in debt. Cary and Company charged him 5 percent interest on the debt. Washington, like many other Virginians, thought his connection with merchants should be an even exchange. If he was to be charged 5 percent interest on his debt, Washington believed that Cary and Company should pay 5 percent interest to use funds from the profitable Custis account. Planters wanted merchants to treat them as peers, not as mere clients and customers. But as they fell farther into debt, the planters' status as customer, client and debtor became painfully evident. They increasingly viewed British consignment merchants not as friends but as hostile conspirators. With the burden of tobacco marketing on their heads and their dependence on consignment merchants for the necessities of life, planters accused merchants of combining to keep them in debt and dependence.⁵

Elite planters provided services for the lesser planters in their area. Neighbors who lacked the crop volume and resources to deal directly with a British merchant firm could receive many of the same services through a more substantial planter. After depositing his crop in the tobacco warehouse, the small planter consigned his shipment

⁵ Ragsdale, "George Washington," 146-147; T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton: Princeton University Press, 1985), 133-141 and 196-203. Also see Joseph A. Ernst, "The Political Economy of the Chesapeake Colonies, 1760-1775: A Study in Comparative History," *The Economy of Early America: The Revolutionary Period, 1763-1790*, eds. Ronald Hoffman, John J. McCusker, Russel R. Menard, and Peter J. Albert (Charlottesville: University Press of Virginia, 1988), 220-222 for his discussion of the "Libertarian" lexicon and the relationship of virtue and interest.

with a larger planter, who ran it through his accounts. The lesser planter drew bills of exchange on the planter and his merchant account, ordered goods through his richer neighbor, and thus connected to the larger mercantile system. Some large planters even ordered and kept in stock goods for purchase, making them available for the neighborhood. By consigning tobacco and acting as merchant, rich planters helped extend the pattern of debt and dependence throughout Virginia society.⁶

The more prominent planters in Virginia acted the part of a merchant for others in their neighborhood. From the middle of the century on, though, they increasingly found themselves in a competitive world. First, the number of Virginia-based and owned merchant firms and stores were growing. These merchants operated their stores and stocked shelves with the necessities and niceties of day-to-day life. The relative lack of hard specie in the colony meant that these merchants operated in a world of credit and debit. They kept complicated accounts of the transfers in merchandise and commodities. They contracted with ship's captains to transport goods and commodities across the Atlantic. Tradesmen represented one area of significant growth in Virginia merchandising. Artisans in commercial centers diversified, including imported merchandise as part of their business. They purchased goods from Britain – some

⁶ Arthur Pierce Middleton, *Tobacco Coast: A Maritime History of Chesapeake Bay in the Colonial Era* (Baltimore: Johns Hopkins University Press, 1953), 116-141, discusses the consignment system and its workings. Evans, "Planter Indebtedness," 517-525 discusses planter debt and its causes.

related to their trade and others not – and offered them for sale to customers.⁷

Primary competition for elite planters came from the growing number of factors and agents in the colony. After mid-century an alternate system of marketing tobacco strengthened its foothold in Virginia and competed with elite planters on several different levels. Large merchant firms – or conglomerates of firms – sent agents to trade directly with middling and lesser Virginia planters. Scottish firms were most active in this type of venture. The Glasgow merchants established networks of stores where planters could sell their tobacco, or other produce, directly to the merchant. By carrying an account with the merchant, the small planter purchased a variety of goods from the store in credit. Besides providing an alternative to the planter-merchant, these factors preferred a cheaper grade of tobacco – not the highly prized Oronoco of the tidewater planter – for sale in the French tobacco market.⁸

⁷ *Virginia Gazette* advertisements offer a wonderful look at the materials available from Virginia-based merchants. See for example, John Greenhow's advertisement in Alexander Purdie's, April 11, 1766, issue. He offered goods as diverse as seeds, polishing powders, spices, paints, ink, harness buckles, desk furniture, nails, tea equipage, household wares, farming and artisan tools, saddle trees, bottles, fiddles, locks, and wheel boxes for carts and chairs. Advertisements also provide examples of tradesmen who diversified, like James Craig, Williamsburg silversmith, who advertised that he had just imported a "neat Assortment of Jewellery, Plate, & fine Cutlery" that he would sell "Cheap, for Ready Money." *Virginia Gazette*, ed. Purdie and Dixon, 10 October 1766, 3. His competitor, James Geddy, did the same, offering a range of items related to his trade including spoons, tongs, shoe buckles, jewelry and buttons. *Virginia Gazette*, ed. Purdie and Dixon, 5 March 1767, 3.

⁸ Jacob M. Price, "The Rise of Glasgow in the Chesapeake Tobacco Trade, 1707-1775," *William and Mary Quarterly*, 3d ser., 11 (April, 1954): 191-197; Kulikoff, *Tobacco*, 123-127; Middleton, *Tobacco Coast*, 119-123; Carr and Walsh, "Changing Lifestyles," 107-111; Ragsdale, *A Planter's Republic*, 14-17; Ann Smart Martin,

Among the factors and local merchants large planters focused their antipathy on the Scottish merchant factors. The Scots had organized their place in Virginia's tobacco trade quickly and efficiently. In the process, they changed the rules. Some planters, along with Bristol and London merchants, accused Scottish factors of offensive and illegal business practices ranging from fraud to smuggling. It seemed to many that there was something unethical about their business techniques. It was an attack born out of frustration and prejudice. A prevalent anti-Scottish sentiment in England and Virginia denigrated these merchants as backward, uncivilized men whose dour and humorless nature fed on the prosperity of Virginians. This sentiment also disdained factors as men with no attachment to Virginia, who sojourned in the colony only temporarily. Many charged that Scots factors were employees sent to suck the commercial life blood out of Virginia and its people. These slurs were not always effective. Scots, even factors, became highly regarded members of some local communities. Still, an undercurrent of prejudice directed itself at the people as a whole. It was a prejudice that would surface in several different ways over the course of the 1760s and 1770s.⁹

"Common People and the Local Store: Consumerism in the Rural Virginia Backcountry," *Common People and Their Material World: Free Men and Women in the Chesapeake, 1700-1830*, ed. David Harvey and Gregory Brown (Williamsburg: Colonial Williamsburg Foundation, 1995), 39-53; and Alan L. Karras, *Sojourners in the Sun: Scottish Migrants in Jamaica and the Chesapeake, 1740-1800* (Ithaca: Cornell University, 1992), 81-117.

⁹ Ragsdale, *Planter's Republic*, 36-41; Woody Holton, "Revolt of the Ruling Class," 125-129. Scots merchants, entrepreneurs and planters held influential positions in Virginia government and communities. Still, elements of Virginia's society were

The influence of Virginia merchants and British factors on Virginia's economy went beyond the marketing and services they provided directly to middling and lesser planters. These merchants worked in concert with each other, striking agreements on prices and rates of exchange. They held the largest of these meetings in the capital city. As many as one hundred and twenty-five merchants gathered twice a year or more in Williamsburg and set rates of exchange. This was a semi-formal meeting of the merchants. Though they elected a "Chairman of the Trade," the merchant's meeting place was outdoors, near the Capitol building at a place identified only as the "Exchange." Meetings generally occurred when the General Court convened. Many merchants planned to be on hand for the court days to take care of legal matters. On the Exchange, merchants discussed the economy, made valuable connections, and struck agreements with other individual merchants. Most important, they set a variety of rates for exchange and purchase of commodities.¹⁰

One primary object of these meetings was to set the rates of exchange between the various forms of currency and commodities circulating in Virginia against the

affected by what Linda Colley calls the "runaway Scottophobia" infecting England after 1760. John Wilkes and his followers fed this prejudice. Many Virginia planters were Wilkites (the Lees are prominent examples), associating themselves with Wilke's stand against arbitrary rule. The Wilkite perspective, though, also fed, among some Virginians, an animosity for Scots. Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven: Yale University Press, 1992), 105-132; and Karras, *Sojourners*, 59-69 and 189-199.

¹⁰ James H. Soltow, *The Economic Role of Williamsburg* (Williamsburg: Colonial Williamsburg Foundation, 1965), 163-176.

British pound sterling. Virginians, of course, lobbied for a rate favorable to themselves. Factors sought a rate that shifted the balance of profit over to their British-based merchant employers. There was money to be made by manipulating the rates. Exchange rates established by these merchants could affect the entire Virginia economy. Merchants also negotiated market rates for the tobacco and produce they purchased from planters. None of these agreements were binding, but even with marginal coordination merchants could control a significant portion of the Virginia economy, another explicit reminder to gentry planters that they no longer controlled Virginia's economy.¹¹

The dominance of elite planters in Virginia's economy was eroding by the 1760s. Even the pretext of peer relationships with British consignment merchants was gone. As planters sank farther and farther into debt, British merchant houses exercised more and more power over the planter and his personal economic affairs. At the same time gentry met this external threat to financial independence, they recognized a second merchant challenge from within. Scottish factors displaced gentry as the principal

¹¹ Stuart N. Butler, "The Glasgow Tobacco Merchants and the American Revolution 1700-1800" (Ph.D. thesis, University of St. Andrews, 1978), 52-57. James Robinson to Messrs. W. Cuninghame & Company, June 1, 1772, Devine, *A Scottish Firm*, 78-81. Robinson's letter provides a good account of the negotiations in Williamsburg and Fredericksburg describing the manner in which merchants and factors set rates and the complex issues that affected the exchange and price setting. In a reminiscence, James Madison told how "Scotch merchants in Virginia used to have a meeting twice a year to decide on the rate of exchange, the price of tobacco and the advances on the prices of their goods. This was the substantial legislation of the colony." Quoted in Fairfax Harrison, *Landmarks of Old Prince William* (Richmond: 1924), 2:371.

agents in the local economy. Small planters were no longer economically dependent on local gentry and now enjoyed independent outlets for the sale and purchase of goods. These challenges – external and internal – diminished gentry control of Virginia's economy.

Consumers

During the seventeenth and eighteenth centuries a huge revolution in consumerism was underway in the western world. It was a revolution that reached into the provinces of the British empire, including Virginia. In 1766, John Wayles remembered that he rarely saw “such a thing as a turkey Carpet” as he traveled through the countryside in the 1740s. Twenty years later “Turkey or Wilton Carpets” abounded along with whole rooms of furniture and fixtures, “Elegant” with “every appearance of Opulence.” The revolution extended to every rank of society, even the enslaved. Robert Munford commented on the appetite for goods and fashions in his play, *The Candidates*. Mr. Wou'dbe's slave, Ralpho, requested and received a suit of clothes from his master. “I'll go and try them on!” he declares. “Gadso! This figure of mine is not reconsiderable in its delurements, and when I'm dressed out like a gentleman, the girls, I'm a thinking, will find me desistible.”¹²

¹² Neil McKendrick, John Brewer and J. H. Plumb, *The Birth of a Consumer Society: The Commercialization of Eighteenth-Century England* (Bloomington: Indiana University Press, 1985), discusses the rise of consumerism in Britain. “John Wayles Rates His Neighbours,” ed. John M. Hemphill, *Virginia Magazine of History and Biography*, 66 (July 1958): 305; Colonel Robert Munford, *The Candidates; or, the*

In Virginia the spread of consumerism began with the gentry, who attempted, in many ways, to set themselves apart from the rest of society. The estates they constructed marked the landscape. They founded family networks through intermarriage, consolidating lineage and economic holdings. In these ways the gentry sought to define themselves as a petit nobility on the English model. They emulated the

Humours of a Virginia Election, ed. Jay B. Hubbell and Douglass Adair (Williamsburg: Institute of Early American History and Culture, 1948), 19.

Munford's satire may overstate the experience of most Virginia slaves. Nevertheless evidence suggests that enslaved Virginians participated to a surprising degree in the burgeoning consumer culture. Participation included clothing, in some cases, but also ceramics and other consumables available at local stores. For more detailed consideration, see Martha Katz-Hyman, "'In the Middle of this Poverty Some Cups and a Teapot': The Material Culture of Slavery in Eighteenth-Century Virginia and the Furnishing of Slave Quarters at Colonial Williamsburg" (Colonial Williamsburg Research Report, January 1993), 64-92; and Nicholls, "Aspects" 110-118. Linda Bumgarten examines slave clothing in two articles, "'Clothes for the People' - Slave Clothing in Early Virginia," *Journal of Early Southern Decorative Arts*, 2 (1988): 27-70 and "Plains, Plaid and Cotton: Woolens for Slave Clothing," *Arts Textrina*, 15 (1991): 203-222. Ann Smart Martin discusses slave purchases of consumer goods in two papers: "Buying Your Way to the Top: Acquisition Patterns of Consumer Goods in Colonial Virginia" (Paper presented at the annual conference of the Society for Historical Archaeology, Richmond, Virginia, January 1991) and "Shopkeepers' Accounts in the Chesapeake: Textiles and Clothing at Eighteenth-Century Virginia Stores" (Paper presented at the Third Textile History Conference, North Andover, Massachusetts, 21-23 September 1990). Also, over the past several years archeological investigations have assisted our understanding. Anna Gruber, "The Archaeology of Mr. Jefferson's Slaves" (M.A. thesis, University of Delaware, 1990) and "The Archeology of Slave Life at Thomas Jefferson's Monticello: Mulberry Row Slave Quarters 'r, s, t,'" *Quarterly Bulletin of the Archeological Society of Virginia*, 46 (March 1991): 2-9. William Kelso has published several reports including "The Archaeology of slave Life at Thomas Jefferson's Monticello: 'A Wolfe by the Ears,'" *The Journal of New World Archaeology*, 6 (June 1986): 5-20; *Kingsmill Plantations, 1619-1800: Archaeology of Country Life in Virginia* (Orlando: Academic Press, 1984); and "Mulberry Row: Slave Life at Thomas Jefferson's Monticello." *Archaeology*, 9 (September/October 1986): 28-35.

gentry of England. Virginia's most wealthy cultivated a genteel lifestyle copied from an English model by purchasing a host of fashionable material goods, and by adopting the literature, music, dance, and leisure activities popular among English elites. This demand for consumer goods fed the mercantile economy, and consumer demand did not limit itself to the small planter elite. The process of emulation and consumer demand rippled through every level of Virginia society.¹³

As Virginia's gentry emulated the fashions and styles of the mother country, they also provided a model for Virginians of middling and lower status. As merchant stores proliferated, wares became more accessible. Virginians began insisting that not only should products be cheap and durable, they should be fashionable. The emulation of fashionable tastes far exceeded acquisition of household wares. Music and dancing masters provided instruction for the unskilled in the fashionable and genteel social graces. Tavern keepers in towns like Williamsburg added large rooms to their establishments and held balls and entertainments. Alexandria had "an elegant Ball-Room." Fredericksburg built a brick assembly hall containing "a Room for Dancing & two for Retirement and Cards." For the price of a ticket, men and women explored the

¹³ Cary Carson, "The Consumer Revolution in Colonial British America: Why Demand?," *Of Consuming Interests*, 483-697, argues persuasively for a demand driven consumer revolution. Rather than emulation, Carson emphasizes a combination of social, economic and intellectual factors. T. H. Breen, "'Baubles of Britain': The American and Consumer Revolutions of the Eighteenth Century," *Past & Present*, 119 (May, 1988): 73-104 and "An Empire of Goods: The Anglicization of Colonial America, 1690-1776," *Journal of British Studies*, 25 (1986): 467-499, demonstrates that the consumer revolution was not confined to one group of elites, but spread throughout the various levels of society.

world of genteel social graces and middling Virginians explored the world once reserved only for elites.¹⁴

In Williamsburg, unlike the rural areas of Virginia, consumer emulation even extended to house construction. Great planters did not own the majority of houses in the town. Successful tradesmen and merchants – Virginia’s middling sort – built these homes. The floor plans, materials and finish of the houses rivaled the homes of Virginia’s prominent planters. Though a Williamsburg tradesman’s home might resemble a gentry dwelling, these entrepreneurs often used interiors in surprising ways. Tailor and merchant Robert Nicholson kept lodgers in his genteel home. William Rind rented, lived in, and published *The Virginia Gazette* in an impressive home built by the Ludwell family. Tenants could rent fine structures to live and work in without making the investment required to construct their own genteel accommodations.¹⁵

Consumerism created the illusion of high social status, even when that status was undeserved. We have already noted how Philip Vickers Fithian and others observed that the trappings of fashion and gentility could mark individuals above their

¹⁴ Carr and Walsh, “Changing Lifestyles,” 104–109. Norman A. Benson, “The Itinerant Dancing and Music Masters of Eighteenth-Century America” (Ph.D. diss., University of Minnesota, 1963). Henry Wetherburn added the “great room” to his tavern in 1751. Ivor Noel Hume, *Archeology and Wetherburn’s Tavern* (Williamsburg: Colonial Williamsburg Foundation, 1969), 10. Fithian, *Journal and Letters*, 97, noted the “Ball-Room” in Alexandria. Ebenezer Hazard, “The Journal of Ebenezer Hazard in Virginia, 1777,” ed. Fred Shelley, *Virginia Magazine of History and Biography*, 62 (October 1954): 403 noted the “Brick (not elegant)” assembly hall in Fredericksburg.

¹⁵ Chappell, “Housing a Nation,” 184–190. See also, Powers, *Landlords, Tenants*.

station in life. But playing the role of customer also had the same effect. Shopkeepers advertised the most fashionable goods and addressed their prospective patrons as “gentleman” or “lady.” The purchase of fashionable items from their stores did not require passing a gentry litmus test. All who entered their doors were potential customers and treated as though they were gentry. To make a sale, the shopkeeper took on a subservient role. He tutored his client in the subtle shades of fashion and taste while simultaneously complying with the customers’ demands for service and commodities. For a brief moment the customer – even if outside the bounds of gentility – played the role of gentleman or lady. It was part of the transaction conducted by the shopkeeper.¹⁶

No longer did the dress, fashion, and possessions of the individual necessarily display his social standing. Anyone with financial means could acquire these trappings. Aspiring gentry could even purchase books on manners, etiquette, dance, and social graces, and learn from them the rudiments. As the distinction of gentry became more subtle, people found themselves sharing considerably more common ground in the possession of luxuries. When Virginians railed against luxuries and excesses, they criticized not only an ostentatious gentry, but a whole society. They criticized a society that had adopted consumer habits. Gentry planters lived on extended credit and beyond their means, as did their social inferiors. Virginians developed and shared a language as consumers. That language bound them together during British attempts to alter or

¹⁶ Bushman, “Shopping and Advertising,” 247-251.

adjust economic and mercantile policy.¹⁷

Changing patterns of consumption also provided Virginia's gentry with another view of their declining fortunes. At the same time that control of local commerce slipped away from gentry planters and into the hands of lesser merchants, gentry found even the material spectacle distinguishing their social position diminished. As lower orders – even slaves – gained access to and the means for consuming luxuries and genteel pursuits, the visible symbols separating gentry from lessors blurred. Again, Virginia gentry confronted their decline.

Slaves

The Seven Years War marked a time of increasing concern among white Virginians. It seemed as though every corner and crevice revealed new signs of slave unrest. In the summer of 1755, Charles Carter reported to Governor Dinwiddie that slaves gathered near his son's home. He speculated they intended an alliance with the Native Americans and French. The defeat of General Braddock's army weakened Virginia's defenses. A slave revolt could prove devastating. Dinwiddie responded that he had "always fear'd" the "Villany of the Negroes." He instructed Carter to "act consist't with Yr. good Sense in keeping Patrollers out for the Peace." After restricting

¹⁷ Karin Calvert, "The Function of Fashion in Eighteenth-Century America," *Of Consuming Interests*, 275-279; T. H. Breen "Baubles of Britain," 86-87. T. H. Breen, "Narrative of Commercial Life: Consumption, Ideology, and Community on the Eve of the American Revolution," *William and Mary Quarterly*, 3d ser., 50 (July 1993): 471-501.

the movements of blacks, he ordered that “the Sheriffs sh’d seize all Hourses used by Negroes in the Night Time.” Dinwiddie urged harsh punishment for any slave guilty of insurrection. By making “an Example of one or two” at the first signs of trouble, Dinwiddie felt that it may “prevent those Creatures ent’g into Combinat’s and wicked Designs ag’st” the people of Virginia.¹⁸

White Virginians did not just have problems securing their western border. They lived constantly with an internal enemy. During the Revolution, Richard Henry Lee reflected that “slaves, from the nature of their situation, can never feel an interest in our cause.” They lived within Virginia society and watched free whites “enjoying every privilege and luxury.” Slaves observed their masters exercising the “liberty which is denied to them.” Consequently, slaves “must be natural enemies to society, and their increase consequently dangerous.” And the increase was dramatic. In 1700 there were about 15,000 slaves in Virginia. By 1770 the black population had risen to 187,500, nearly all enslaved. The black population grew faster than the white. Slaves represented 25 percent of the total population in 1700 and more than half in 1770. That increase was even more dramatic in certain localities. In York County, for example, slaves made up 36 percent of the population in 1701. Seventy-five years later they numbered more than 60 percent of the county’s inhabitants. White apprehension grew with the slave increase. William Byrd warned in 1736, if “there should arise a Man of

¹⁸ Holton, “Revolt of the Ruling Class,” 209; Herbert Aptheker, *American Negro Slave Revolts* (New York: International Publishers, [1963]), 20.

desperate courage amongst us,” he could “kindle a Servile War” with devastating consequences. Virginians lived with this fear for generations.¹⁹

In the decades after 1750 it seemed that the internal threat constantly increased. An Indian war, in 1763-1764, heightened concerns. Native Americans spared the lives of blacks at the frontier settlements, causing Virginians to speculate on the disastrous implications of an alliance between Indian enemies and slaves. In January 1764, eleven Negroes received whippings and another twenty-five were jailed in Southampton County on “Suspicion of an insurrection.” In Frederick and Loudon Counties, whites shot and killed several slaves in revolt. A group of slaves poisoned some overseers near Alexandria in 1767. County magistrates executed between four and eight slaves for the offense. “Their heads were cut off, and fixed on the chimnies of the courthouse.” John Knox of Stafford County was “barbously murdered” by three of his

¹⁹ *Memoir of the Life of Richard Henry Lee, and his Correspondence with the most Distinguished Men in America and Europe, Illustrative of their Characters, and the Events of the American Revolution*, ed. Richard H. Lee (Philadelphia: H.C. Carry and I. Lea, 1825), 1: 18. See also, Mechael Sobel, *The World They Made Together: Black and White Values in Eighteenth-Century Virginia* (Princeton: Princeton University Press, 1987), 243; and Willis, “The Master’s Mercy.” For a discussion of white apprehensions on the eve of the Revolution see, Woody Holton, “‘Rebel Against Rebel:’ Enslaved Virginians and the Coming of the American Revolution, *Virginia Magazine of History and Biography*, 105 (Spring 1997), 157-192; Byrd quoted in Morgan, *American Slavery*, 309; Jack P. Greene, “Society, Ideology, and Politics: An Analysis of the Political Culture of Mid-Eighteenth-Century Virginia,” *Society, Freedom and Conscience: The American Revolution in Virginia, Massachusetts, and New York*, ed. Richard M. Jellison (New York: W. W. Norton and Company, 1976), 67-68.

slaves in 1769.²⁰

Increased slave violence was not a colony-wide phenomenon. Evidence suggests some areas were notably quiet. In York County, for example, violent challenge to the master's authority was strikingly low, according to the volume of cases brought before local magistrates. It is important to remember that resistance to authority manifested itself in a number of ways including work slowdowns, broken tools, and runaways. Statistically violence occurred in only a few cases of slave unrest, but these cases were spectacular and received attention.²¹

One spectacular incident occurred on Bowler Cocke's Hanover County plantation in late 1769. Cocke had been having problems with this plantation. He was not in residence at this North Wales property, and the slaves had become insolent and unruly. Cocke hired a new overseer and assistants to work at the plantation, hoping that new managers could set the place straight.²²

²⁰ Holton, "Revolt of the Ruling Class," 210-212; "Minutes of the Southampton County Court," January 13, 1764; *Journal of the House of Burgesses of Virginia 1767-1769*, 91, 286, 93; *Boston Chronicle*, 11-18 January 1768; *Annual Register* (London: 1768), 69-70; *Virginia Gazette*, ed. Rind, 15 June 1769 and 20 July 1769.

²¹ Between 1700 and 1780 only one case of insurrection is recorded in York County and the two defendants were acquitted. Violent crime (arson, rape and murder), committed against masters was also infrequent. Willis, "The Master's Mercy." Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (New York: Oxford University Press, 1972), 34-38 describes the range of slave resistance.

²² The following account of the Bowler Cocke's insurrection is taken from the *Virginia Gazette*, ed. Rind, 25 June 1770. See also, Holton, "Revolt of the Ruling

An assistant had ordered one slave to “make a fire every morning very early.” When one morning the slave did not “appear till sunrise,” the assistant overseer “examined” him. The assistant demanded to know “why he came not sooner.” The slave’s response was “most insolent and provoking.” Angered by this response, “the young man” took steps to “chastise” the slave. Enraged, the slave picked up “an axe (or some such weapon)” and “made a stroke” at the assistant.

Fortunately for the young man, the slave missed his mark. The assistant “closed” with the slave and nearly had him subdued when “a number of the other slaves came to the Negro’s assistance.” They overpowered the overseer and “beat the young man severely.” Finally “the ringleader (a very sensible fellow) interceded” and persuaded the slaves to turn the assistant overseer loose. When they did, “The young man . . . made off as fast as he could, to procure assistance.”

The slaves then went in search of the principal overseer and seized him. They also captured “a poor innocent, harmless old man, who overlooked a neighbouring quarter.” On hearing the commotion, he, apparently, had come across the creek to find out what was afoot. Others in the area had also gathered. What began as a confrontation between one slave and one overseer now escalated. Between forty and fifty slaves congregated, organizing themselves on Cocke’s plantation. The slaves bound their two prisoners and whipped them “till they were raw from the neck to the waistband.”

Class,” 213.

Finally, the assistant overseer who had escaped, returned with a dozen armed men and two boys. As soon as they released the captive overseers, the troop marched on the barn where the slaves had gathered. They “tried to prevail by persuasion,” but the slaves, who had armed themselves with clubs and barrel staves, were “deaf to all they said” and “rushed upon them with a desperate fury.”

As the two bodies of men engaged, a white man fell, knocked down with the blow of a club. His attacker raised the weapon to “repeat the blow” and “finish him.” Just then, one of the boys “levelled his piece” and “discharged its contents into the fellow’s breast, and brought him to the dust.” The armed whites killed three slaves – one of whom was the ringleader – and wounded another four to five before subduing the insurrection. Virginia’s internal enemy could strike terror throughout the community.

On this level, the slave system affected all Virginians. Slavery was, after all, a cohesive link for white Virginians of every status. Unequal in land, property, family, education, and other circumstances, all white Virginians bonded with one another, confident in the knowledge that they were not black and enslaved.²³ Every white Virginian sought peace in the countryside and control of Virginia’s internal black enemy. Enslaved Virginians broke tools, slowed work, and thwarted the master’s intentions in subtle ways. Many, if not all slaves resisted without overstepping the delicate line. Crossing that line to open rebellion spawned retaliation from whites.

²³ Morgan, *American Slavery*, 380-381.

When open rebellion did occur it was swiftly avenged. Slavery engaged every member of the community in a push and pull that constantly reinforced the boundaries of the slave system.

Some planters began enumerating sound economic reasons for restricting slave imports. By the middle of the eighteenth century South Carolina had supplanted Virginia as the largest importer of Africans, but Virginia had helped Britain build a strong, economically viable, slave trade. British ships carried the largest share of the trade by 1700, and the profits went directly to English merchants and ship owners. As profits of the slave trade went to Britain, the Virginia economy suffered from the trade deficit it created. Importation of slaves also strengthened Virginia's reliance on the tobacco economy. For many, it seemed that as long as Virginia depended on an enslaved work force they would likely remain tied to the tobacco market and the commercial services of British merchants.²⁴

After 1750, Virginians increasingly argued that slave labor prevented a diversified economy. Richard Henry Lee believed that as long as slavery tied Virginians to the tobacco economy the colony would never attract skilled immigrants to diversify the economy and create manufacturing opportunities. George Mason hoped that restricting slave importation would encourage the immigration of free settlers and accelerate the pace of westward expansion. The slave system, some argued, impeded Virginia's ability to compete in the changing and developing markets of the Atlantic

²⁴ Ragsdale, *Planter's Republic*, 111-136.

economy.²⁵

Slavery, many believed, was also a contributing factor to a moral decay in Virginia society. Surrounded by their retinue of slaves, whites became selfish, ostentatious, and lazy. Virginians perceived themselves falling away from cultural values that praised industry and thrift. The prevalence of slave labor was one cause. It was George Mason who, remembering the history of Rome, reminded Virginians that an increase in slaves was “one of the first signs of Decay” evident in the “Destruction of the most flourishing government that ever existed.”²⁶

Arthur Lee began articulating his opposition to slavery as early as 1764. His pamphlet, *An Essay in Vindication of the Continental Colonies of America*, placed responsibility for slavery on Britain and its slave trade. It was Britain who corrupted American planters, tempting them with slave labor. Three years later Lee refined his opposition to slavery in an address to the Virginia Assembly published in Rind’s *Virginia Gazette*. He declared the institution “a Violation both of Justice and Religion; that it is dangerous to the safety of the Community in which it prevails; that it is

²⁵ *Ibid.*

²⁶ Jack P. Greene, *Imperatives, Behaviors and Identities: Essays in Early American Cultural History* (Charlottesville: University Press of Virginia, 1992), 329-330; Greene, “‘*Virtus et Liberata*,’: Political Culture, Social Change, and the Origins of the American Revolution in Virginia, 1763-1766,” *The Southern Experience in the American Revolution*, eds. Jeffrey J. Crow and Larry E. Tise (Chapel Hill: The University of North Carolina Press, 1978), 67; George Mason, “Scheme for Replevying Goods and Distress for Rent,” December 23, 1765, *Papers of George Mason*, ed. Robert A. Rutland (Chapel Hill: University of North Carolina Press, 1970), 1: 62-63.

destructive to the growth of arts & sciences; and lastly, that it produces a numerous & very fatal train of Vices, both in the Slave, and in his Master.”²⁷

During the eighteenth-century, the House of Burgesses had only limited success in attempting to regulate the slave trade. The first duty on imported slaves began in 1699 and by 1710 it had risen to the substantial amount of five pounds per slave. It produced substantial revenue, but Burgesses also hoped the duty would slow the importation of Africans. Reduced slave importation would curtail tobacco production and thus increase tobacco prices. When these provisions expired in 1718, Burgesses attempted twice in the 1720s to impose a new duty on slaves. Both times the King and his ministers disallowed the act. In the 1730s the House finally drafted a bill requiring the purchaser to pay a percentage duty on each slave at the time of sale. This tax remained in effect until 1773. Periodically, the Burgesses added new levies intended to raise revenue for specific periods of time. But, except between 1756 and 1759 when the total reached 30 percent, the duties did not significantly slow the importation of new slaves into the colony.²⁸

By 1765 and the introduction of the Stamp Act, diversification of Virginia's economy was a primary concern. The colony, dependent on British imports, did not have the manufactories to sustain itself. The intensive tobacco economy made

²⁷ Arthur Lee, *An Essay in Vindication of the Continental Colonies of America*, (London: 1764); *Virginia Gazette*, ed. Rind, 19 March 1767, 1.

²⁸ Ragsdale, “Nonimportation,” 191-201.

Virginia's economic reliance on Britain nearly total. Slavery then took on an economic imperative. Some believed that reducing the slave population would encourage planters to turn their slaves toward development of manufactories and break Virginia's economic dependence. This, combined with local concerns for safety and slavery's association with white society's moral decay, spurred freeholders to tackle the business of restricting slave importation.

Land

By 1750, English settlement had reached the Appalachian Mountains.

Virginians looked over the mountains to the Ohio River Valley. A group of Northern Neck gentlemen formed the Ohio Company and secured the rights to four hundred thousand acres. A competing Loyal Company, primarily composed of Tidewater planters and investors, received a grant for eight hundred thousand acres in the Ohio country. Land speculation was the stuff fortunes were made of. The future looked bright at mid-century. The Privy Council further encouraged settlement by waving quitrents and cultivation requirements for a decade. Governor Dinwiddie set aside two hundred thousand acres in bounties for Virginians who enlisted to serve in the army that marched against the French.²⁹

²⁹ Holton, "Revolt of the Ruling Class," 227-229; and Richard Lee Morton, *Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1960), 2:644. Kulikof, *Tobacco*, 133, 143-144, 208, and 265 discusses land speculation as a gentry enterprise.

Virginians moved into the Ohio to oust the French, but the exercise proved more difficult than anticipated. The defeat of General Braddock displayed a weakness in Britain's ability to defend and protect its frontier. Ohio Indian nations, who had patiently waited for the right time, now declared war to roll back the oncoming English tide. They attacked British frontier settlements from New York to Virginia and ushered in a significant change in British colonial policy.³⁰

The Ohio nations were the key to defeating the French in America. To make the alliance, the Crown agreed to halt westward expansion at the Appalachians. There would be no settlements west of the mountains. Once at peace with the Ohio nations, Englishmen turned their attention to defeating the French in America. But the success of that policy had broad consequences for the Virginia land speculators and their aspirations.³¹

With the end of the Seven Years War, Virginians expected the Crown to lift the prohibition against westward expansion. Instead the Privy Council confirmed the ban with the Proclamation of 1763. The frontier was closed. Royal officials, pressed by the government debts contracted in the war against the French, feared a new war with Native Americans and economic ruin. The best protection for the frontier was enforcement of the proclamation line. With Native Americans as allies, the crown did

³⁰ Holton, "Revolt of the Ruling Class," 32.

³¹ Holton, "Revolt of the Ruling Class," 34-58.

not need troops protecting the western colonial boundaries.³²

Thus far, however, the Crown had promised Ohio lands to three separate groups. They had guaranteed the land to the Native Americans who lived there and pledged to protect it. But they also promised the same territory to the Ohio and Loyal companies and their investors, not to mention the land bounties Dinwiddie had promised to war veterans. To make matters worse, some Virginians simply ignored proclamations, speculators, veterans, and Native Americans and moved onto the land anyway.³³

As squatters moved across the Appalachians, they came into armed conflict with Native Americans. Over the 1760s and 1770s, the Royal government struggled to keep peace on the frontier. It denied protection to squatters, informing them that they violated the Proclamation line at their own risk. Officials reconfirmed the boundary. Land speculators lobbied to have the boundary moved farther west. Veterans demanded their bounties. And all the while Native Americans insisted on rectitude from the British government and their treaties.³⁴

³² D. W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*. Volume 1, *Atlantic America 1492-1800* (New Haven: Yale University Press, 1986), 284-288. Meinig provides a good discussion of British policy, the proclamation line and competing interests in the Ohio country.

³³ Sarah S. Hughes, *Surveyors and Statesmen: Land Measuring in Colonial Virginia* (Richmond: The Virginia Surveyors Foundation, 1979), 99-105. Hughes' discussion of the Ohio territory provides a good view of issues from the standpoint of Virginians.

³⁴ Robert W. Tucker and David C. Hendrickson, *The Fall of the First British*

Future expansion into the Ohio appeared questionable. By the third quarter of the century, though, expansion was simply a way of life. Virginia's westward push over the first half of the century had been phenomenal. Available land in the Piedmont, coupled with merchant factors moving the produce to market, proved a dynamic combination. By 1770 three quarters of the Piedmont lands (for our purposes broadly defined as the area between the fall line and the Proclamation line of 1763) had been patented. As Indians were driven out, squatters settled in the area. Speculators soon discovered the available land and applied for patents. The speculation caused land rushes with small planters either patenting their own tracts or buying them from larger holders. The system kept the wave of poorest planters pushing farther and farther west. As areas became settled, eastern families migrated and along with a few successful original settlers of the area established new county administrations and new leaders.³⁵

Yet, as Piedmont counties struggled to develop strong leadership, the proportion of freeholders rose significantly. Lunenburg County affords an example. First settled

Empire: Origins of the War of American Independence (Baltimore: John Hopkins University Press, 1982), 25-28; 90-91. Tucker and Hendrickson note that British officials saw little value to westward expansion. Further westward settlement expanded colonies outside the area, it was felt, in which Britain could maintain a productive trade. Annexation of western lands along with the maintenance of good Indian relations, it was hoped, would produce two positive results: secure western boundaries and encouragement of the fur trade. Marc Egnal, "The Origins of the Revolution in Virginia: A Reinterpretation," *William and Mary Quarterly*, 3d. Ser., 37 (July 1980): 401-428 highlights the division between expansionists and non-expansionists as a central force for the coming of the Revolution.

³⁵ Kulikoff, *Tobacco and Slaves*, 52-54, 141-175.

in the 1740s, by 1750 half the heads of household in the county owned land and held the franchise. Ten years later that proportion had increased. By 1760, freeholders made up three quarters to four fifths of the county's heads of household.³⁶

The expansion of new county administrations and their representation in Williamsburg placed new burdens on the existing political structure of the colony. The new leaders of Piedmont counties were different from their established Tidewater counterparts. At mid century the leadership of the Piedmont was generally first generation. They were less educated, less wealthy and less refined than their eastern counterparts. And Piedmont leaders were less well established. The high rate of appointments for county magistrates indicates a high turnover in local leadership. The Assembly's Committee on Privileges and Elections investigated more contested elections from the Piedmont than from other areas.³⁷

The politics of the Piedmont were more competitive and democratic than the older more established Tidewater counties. As the Piedmont grew, their influence also grew in Williamsburg, diminishing the control of eastern gentry in the House of

³⁶ Allan Kulikoff, "The American Revolution, Capitalism, and the Formation of the Yeoman Classes," *Beyond the American Revolution: Explorations in the History of American Radicalism*, ed. Alfred F. Young (DeKalb: Northern Illinois University Press, 1993), 87, and Michael L. Nicholls, "Origins of the Virginia Southside 1703-1753: A Social and Economic Study" (Ph.D. diss., College of William and Mary, 1972).

³⁷ Billings, Selby and Tate, *Colonial Virginia*, 273. Lunenburg County has been studied quite extensively by Beeman, *Evolution of the Southern Backcountry*; and by Nicholls, "Origins of the Virginia Southside," chapters 2 and 3.

Burgesses. For tidewater gentry it was another sign of their eclipse: loss of economic power to merchants (particularly Scottish factors), the blurred social lines brought on by expanding consumerism, and a political power shift with the expansion of Piedmont counties. No longer were tidewater gentlemen the dominant dictators of Virginia's course.

Religion

The established church was a fixture in just about every element of Virginia society. The parish church building figured prominently in the county, a substantial structure as visible as the county courthouse. Local vestries (twelve gentlemen and the minister) levied taxes for the support of the church and poor relief. These men regulated local church affairs and administered the church's charity. Sunday's worship service provided a weekly reminder of social order and put its hierarchical ideal on view. Church and state were intertwined. One did not exist without the other.³⁸

But there were dissenters. Some, like the Quakers, had lived quietly in the colony for decades. When dissenters obeyed the laws or paid their fines for non-attendance at Anglican services – as Quakers did for non-attendance at militia musters – they were generally left alone. By mid-century, however, a group of dissenters challenged the church and the established order it represented.³⁹

³⁸ Upton, *Holy Things*, 3-10; Isaac, *Transformation*, 58-65.

³⁹ The Baptist movement in Virginia has been chronicled by Isaac,

When “enthusiastic” preachers spoke to gatherings in Virginia, their message took hold, particularly in newer western counties. Presbyterian and Baptist preachers drew parishioners away from the Anglican establishment. New Lights accused Anglican clergy and gentry supporters of lax morals and doctrine. “If the Clergy in the Establishment had acquitted themselves, as they ought to have done,” the Reverend Thomas Craig summarized the issues, “we would have had no Occasion at this Time to use ... any ... Expedients to curb or expell Enthusiasm & Superstition.” But New Lights did more than question the theology of Virginia’s established church.⁴⁰

Baptists questioned the nature of religion, government, and social relationships as the Anglican church understood them. For a segment of Virginia society, Baptists provided a new alternative for community. Their ceremony and social order directed attention away from the culture of Virginia’s gentry. The redirection provided lesser Virginians with an alternate view of the world, a new pattern of emulation, that seemed more in tune with the virtues of work, dedication, and morality. It also provided a

Transformation, chapters 8 and 13; Richard R. Beeman and Rhys Isaac, “Cultural Conflict and Social Change in the Revolutionary South: Lunenburg County, Virginia,” *Journal of Southern History*, 46 (November 1980): 525-550; Rhys Isaac, “Evangelical Revolt: The Nature of the Baptists’ Challenge to the Traditional Order in Virginia, 1765 to 1775,” *William and Mary Quarterly*, 3d. ser., 31 (July 1974): 345-368; and J. Stephen Kroll-Smith, “Transmitting a Revival Culture: The Organizational Dynamic of the Baptist Movement in Colonial Virginia, 1760-1777,” *The Journal of Southern History*, 50 (November 1984): 551-568.

⁴⁰ Isaac, *Transformation*, 143-177 gives a concise account of New Light sects and their establishment in Virginia. The Reverend Thomas Craig to T. Dawson, September 8, 1759, Dawson Papers, Library of Congress, 217.

means for expressing those values that would shape and challenge the dominant gentry culture. Baptist ministers were itinerant organizers, inspiring others in their spiritual activities. They empowered individuals to take action in their own lives and in the world.⁴¹

Dissenters created a counterpoint to the gentry ideal of education, reason and order. In emotional, personal expressions of religion, common Virginians created a new order that leveled social distinctions. Individuals presented themselves before God as equals. In Baptist congregations, whites and blacks worshipped together, called into fellowship with one another. The congregation adjudicated disputes between members, including masters and slaves, calling each to treat the other in the temporal world by heavenly standards.⁴²

The “New Light” alternative to gentry culture was a powerful one. It coincided with the rise of materialism in Virginia and railed against the excesses of luxury. The alternative society dissenters offered challenged the hierarchical principles defining Virginia society. When government demanded that Baptist preachers obtain a license to preach, New Lights denied government’s jurisdiction over spiritual affairs. They quickly became a growing and vocal constituency that Virginia leaders could not ignore.

⁴¹ Kroll-Smith, “Transmitting a Revival Culture,” 556-557.

⁴² Mechal Sobel, *The World they Made Together: Black and White Values in Eighteenth-Century Virginia* (Princeton: Princeton University Press, 1989), 178-203.

Of Virtue

After mid-century Virginia's gentry rulers found themselves increasingly on the defensive. It was more than the criticism of New Light congregations. Even the gentry themselves felt something amiss in their world. They lived in a constantly changing world, and though they could glimpse bits and pieces of the scene, they could not articulate the movement or its consequences.⁴³

Generally, in the years before 1750, the gentry viewed their world as a hierarchically ordered society. They felt confident in their relationship to others, a reciprocal relationship where freeholders selected a gentleman who, in turn, cultivated and represented the community's interests. It seemed appropriate to admire this society and the gentlemen responsible for its administration. Blacksmith Charles Hansford did just that in a 1752 poem.

The gentry of Virginia, I dare say,

⁴³ Jan Lewis, *The Pursuit of Happiness: Family and Values in Jefferson's Virginia* (Cambridge: Cambridge University Press, 1983), 209-230. Lewis examined gentry self perception before and after the Revolution and discovered a distinctive change. Before the Revolution, gentry lived in a public world emphasizing reason over passion. The diaries kept by these gentlemen and ladies did not examine human motivation or complexities. Their literature relates a relationship with the outside world, not introspective self examination. Contrasting these writings with those of early nineteenth-century Virginia gentry, Lewis unearths interesting changes in self perception. After the Revolution gentry, no doubt influenced by evangelical religion, republicanism, and changing notions about domestic life, became introspective. Retreating from the public sphere, Virginia's gentry placed their emphasis on the domestic sphere and emphasized emotion and self examination.

For honor vie with all America.
 Had I great Camden's skill, how freely I
 Would celebrate our worthy gentry.⁴⁴

For their part, gentlemen convinced themselves that they represented all Virginians. Theirs was a position of social, political, and economic trust. Richard Bland wrote after his election as Burgess in 1745 that he would “always act to the utmost of my capacity for the good of my electors, whose interest and my own, in great measure, are inseparable.” By and large, freeholder activity agreed with this gentry self-perception.⁴⁵

The nature of local politics was changing, however, and one factor fostering that change was the rising importance of the newspapers. Colonial Virginians depended upon reliable intricate oral communication networks – person to person – trafficking in the essentials of local relationships. The revolutionary crisis of the 1760s and 1770s, though, put severe strains on this framework. Increasingly Virginians were interpreting information from distant sources, especially London. More and more Virginians sought to understand and cooperate with distant allies in other colonies. The *Virginia Gazette* and her sister provincial papers became the vehicle. The pages of the *Gazette*

⁴⁴ Charles Hansford, “My Country's Worth [1752],” *Poems of Charles Hansford*, ed. James A. Servies and Carl R. Dolmetsch (Chapel Hill: University of North Carolina Press, 1961), 57.

⁴⁵ Richard Bland to Theodorick Bland, Sr., 20 February 1745, *The Bland Papers: Being a Selection From the Manuscripts of Colonel Theodorick Bland, Jr. of Prince George County, Virginia*, ed. Charles Campbell (Petersburg: Edmund and Julian C. Ruffin, 1840-43), 1: 4.

publicized local and provincial disputes and alliances to a province-wide readership. From 1765 on leaders increasingly used the press as a means for identifying themselves to the public. They explained their motives, suggested political action and swayed the opinion of the public. Earlier in the century books, reading and newspapers were a pastime reserved for gentry. By the mid 1760s, though, readership had increased significantly. The largest increase was among middling sort with an increased proclivity away from religion and classics towards politics. Probably more significantly, during the 1760s and 1770s the paper became the vehicle for communicating popular actions and opinions. Gatherings of freeholders published their views and their instructions to delegates in the *Virginia Gazette*.⁴⁶

By the 1760s, a subtle shift appeared in the descriptions of Virginia life. One manifestation that gentry noted were the elections. Landon Carter had worked hard to gain the confidence of freeholders. Three times he stood for election to the House of Burgesses before the citizens of Richmond County selected him in 1752. For seventeen years the freeholders returned him as their representative. Then in 1768 he lost his bid for reelection. According to Carter, he lost the election because "I did not familiarize myself among the People." Local politics had changed and as they became more

⁴⁶ Brown, *Knowledge is Power*, 42-64; Gregory A. Stiverson and Cynthia Z. Stiverson, "Books Both Useful and Entertaining: A Study of Book Purchases and Reading Habits of Virginia in the Mid-Eighteenth Century," Colonial Williamsburg foundation Research Report, 1977; and Susan Stromei Berg, *Agent of Change or Trusted Servant: The Eighteenth-Century Williamsburg Press*, M.A. Thesis, American Studies, William and Mary, 1993.

popular, gentlemen increasingly pandered to their constituents. Active campaigning and courting of voters became an essential talent for a successful politician.⁴⁷

Carter's son learned the new lessons and won his seat by "going amongst them." Throughout Carter's early career, election as Burgess signified the community's acclamation of the gentleman's place in society. Now the electorate demanded courting. The popular nature of elections disturbed Landon Carter. Even if the candidate went through the county and "kissed the arses of the people," eventually he discovered that popularity was "an aduress of the first order." When "she" was "most sacredly wedded to one man she will even be grogged by her gallant over his shoulder." James Madison reflected on the same feelings after his defeat in 1777. Robert Munford described this sentiment in his 1770 play, *The Candidates*.⁴⁸

⁴⁷ Landon Carter, *The Diary of Colonel Landon Carter of Sabine Hall, 1752-1778*, ed. Jack P. Greene (Richmond: Virginia Historical Society, 1987), 1: 6-7; 2: 1008-1009.

⁴⁸ Carter, *Diary*, 1:6-7 and 2:1008-1009; Isaac, *Transformation*, 110-113, and 376 fn 40.

Before 1750, almost no one takes notice of elections or complains about electors and candidates, except in petitions filed with the House of Burgesses. John Kolp's investigation of elections observes a steady decrease in electoral competition between 1725 and 1775. He describes only slightly more than a third of the elections as competitive. In the majority of elections, incumbents were confirmed, or stood unopposed at the polls. John Kolp, "Electoral Competition in Virginia," *William and Mary Quarterly*, 3d. ser., 49 (October 1992): 652-674. If Kolp's analysis is correct, the opinion of Carter, Madison, and Munford seems erroneous except as it reflects on the attitude of constituents and the attitude of gentry about constituents. Carter and Madison felt that Burgess was a position due them by virtue of their status in the community. Competing with a peer for a seat in the house was one thing. Neither man felt that the stature of their opponent was the deciding factor in their elections. It was a

By the end of play, Munford's virtuous candidate, *Wou'dbe*, wins the day and congratulates freeholders on their sound judgment and "spirit of independence becoming Virginians." But the play is not about the independence and sound judgment of Virginia freeholders. Munford rails at the folly of a Virginia 1770s election. *Wou'dbe* holds some "old fashioned" notions of Burgesses and their responsibility, values Munford obviously supports. The satire focused on new constituent values and concerns that Munford despised.⁴⁹

At one point *Wou'dbe* is on the race field talking with community members and his political opponents. He carries himself aloof and separate from the constituents. *Wou'dbe* disdains public courting of votes. His supporters have forced him to "shew" himself "to the people" in an "endeavour to confute" his opponents. As the freeholders talk amongst themselves, one notes that Sir John Toddy sees "no disparagement to drink with a poor fellow." Toddy was a man "that wont turn his back upon a poor man." Other "whisslers" like *Wou'dbe* "han't the heart to be generous" and despised

constituency, disgruntled by the lack of favors, that defeated them, signaling a new kind of power exercised by freeholders.

⁴⁹ Jay B. Hubbell's and Douglass Adair's introduction to the 1948 reprinting of *The Candidates* informs readers that "Munford by telling how the people of Virginia chose their representatives in the eighteenth century, also helps to explain why their choice produced statesmen of the type of Washington and Jefferson.

Historians often cite Robert Munford's 1770 play, *The Candidates*, to characterize eighteenth-century Virginia elections. Historians have used the comedy to explain how a deferential society selected strong and progressive leaders. The play is satirical, however, and when interpreted in the context of 1770, shows the tensions between gentry and their lessers. Munford, *The Candidates*, 6 and 43.

“poor folks.” The freeholders agree. Gentlemen should not hold themselves separate from the constituents, “tho’ some of the quality are mighty proud that way.” As elite and commoner participated in the exchange of local politics, status lines blurred. It seemed that in nearly every quarter gentlemen found themselves challenged: as managers of the economy, as consumers of gentility, as masters of the enslaved, in provincial politics, and even local politics.⁵⁰

Increasingly after 1750, gentlemen found pretenders in their ranks, new gentry, who had advanced themselves through wealth, but exhibited none of the other qualifications. When a freeholder exhibited the requisite “Money, Negroes and Land” he considered himself “a compleat Gentleman.” Wealth was only a mask, however, that hid “all his defects.” In the “best” or genteel company, the pretenders passed madness for wit, “extravagance for flow of spirit, . . . insolence for bravery, and . . . cowardice for wisdom.” Pretenders did not exhibit “Learning and good sense; religion and refined Morals.” They were “dull” and “plodding.” Their “Negroes” coached them through the requirements of “polite company” and even stood in for their master’s incompetence “at horse races and Cock matches.”⁵¹

⁵⁰ Munford, *The Candidates*, 20 and 29.

Twenty years before [ca. 1750] poor men did not expect to drink with gentlemen. Like the militia musters William Byrd described, gentry may ply the populace with toddy, but the gentlemen then retired to drink among themselves in more genteel quarters. William Byrd, *The Secret Diary of William Byrd of Westover 1709-1712*, ed. Louis B. Wright, decoded by Marion Tinling (Richmond: Dietz Press, 1941), 233-234 and 422.

⁵¹ Reid, “Religion of the Bible,” 48; Isaac, *Transformation*, 118; Greene, “Society, Ideology, and Politics,” 16.

Though “new” or lesser gentry received criticism for stepping up in life and mingling with the established gentry, gentry born to the status also received significant criticism after 1750. These men were “brought up in ignorance, nourished in pride, encouraged in luxury, taught inhumanity and self conceit.” They “tutored in debauchery, squandering youth either in idleness, or in acquiring knowledge which ought to be forgot, illiterate, untinctured by sentiment, untouched by virtues of humanity.”⁵²

Virginia, the largest and most prosperous of England’s American colonies, was a collection of small communities. Absence of large urban centers like Boston, New York, or Philadelphia did not, however, prevent Virginia’s citizens from expressing themselves on local, provincial, and imperial issues and concerns. In this local, personal world of daily interactions, communities negotiated accommodations for daily living. It was a dynamic process mixing local issues and alliances with provincial and imperial ones. Often local alliances shifted from issue to issue. The maze of issues, concerns, personal alliances, personal grudges, and more, make community response to leaders and issues unpredictable at times. Clearly though, Virginia’s leadership was on the move in an unconscious realignment. Faced with the cacophony of issues in a fast-paced world tugging at the very basic assumptions of Virginia society, leaders

⁵² Reid, “Religion of the Bible,” 57; Greene, “Society, Ideology, and Politics,” 19.

interacted with each other and constituents to “feel out” new accommodations that informed new local interactions and alliances.

CHAPTER III

NEIGHBORHOODS THROUGHOUT THE COUNTRYSIDE

Nearly every historian who describes colonial Virginia comments on the absence of major urban centers. Over and over again, Virginia's riverways and large plantations pervade historians' reports. Although plantations with their slave laborers and gentry masters dominate the landscape in most accounts, it is more accurate to see Virginia by 1760 as a series of small rural farming communities. A network of roads linked together small towns and hamlets like York, Williamsburg, Hampton, Richmond, Urbanna and Fredericksburg. Peppered along these roads were innumerable smaller communities or neighborhoods. At crossroads, warehouses, ordinaries, courthouses, and ferries Virginians gathered in the seasonal rhythms of vibrant and active farming communities. In these interconnected small communities, Virginians fashioned and coordinated their response to the provincial and imperial issues of the 1760s and 1770s.¹

¹ Historians examining the pattern of dispersed settlement in Virginia and its implications for the development of the region's landscape, economy and society agree that Chesapeake society developed distinctive characteristics. This chapter relies on the rich secondary literature on historic geography, economic development and spatial order. D. W. Menig, *Shaping of America: A Geographical Perspective on 500 Years of History*, Volume I, *Atlantic America 1492-1800* (New Haven: Yale University Press, 1986); John R. Stilgoe, *Common Landscape of America, 1580-1845* (New Haven: Yale University Press, 1982); and James T. Lemon "Spatial Order: Households in Local

No doubt the opulent houses of Virginia's more prominent residents were a striking feature of the Virginia landscape. Sailing up the Rappahannock River, for example, the Carter Plantation of Sabine Hall commanded the attention of even the most casual observers. The home of Colonel Landon Carter stood three miles from the river. Six finely trimmed and terraced gardens led the eye up a graceful slope to the two-story brick Georgian edifice called Sabine Hall. Richard Taliaferro probably designed this dwelling house "of taste" that Carter constructed shortly after 1740. The home befit Carter's station in the colony: Justice of the Peace for Richmond County, county lieutenant for the militia, and member of the House of Burgesses. His Virginia Northern Neck holdings alone totaled more than thirty-five thousand acres.² In the early part of the century majestic river-front structures represented focal points for the community. Smaller planters brought their tobacco to the wharves of great

Communities and Regions," *Colonial British America: Essays in the New History of the Early Modern Era*, ed. Jack P. Greene and J.R. Pole (Baltimore: The Johns Hopkins University Press, 1984), give good overviews of colonial settlement patterns and their effects on the regional development of British North America. For specific Chesapeake studies see: Carville Earle, *The Evolution of a Tidewater Settlement System: All Hallow's Parish, Maryland, 1650-1783* (Chicago: University of Chicago Department of Geography, 1975); John William Reps, *Tidewater Towns: City Planning in Colonial Virginia and Maryland* (Williamsburg: The Colonial Williamsburg Foundation, 1972); Dell Upton, "White and Black Landscapes in Eighteenth-Century Virginia," *Material Life in America 1600-1860*, ed. Robert Blair St. George (Boston, Northeastern University Press, 1988); Carville Earle and Ronald Hoffman, "Staple Crops and Urban Development in the Eighteenth-Century South," *Perspectives in American History*, 10 (1976): 7-78; and James O'Mara, "Urbanization in Tidewater Virginia During the Eighteenth Century: A Study in Historical Geography," (Ph.D. diss., York University, Toronto, Ontario, 1979).

² Carter, *Diary*, 1:5-7.

plantations. Gentry planters served the role of merchant to the community, securing goods and credit for their neighbors. Even the local militia practiced in the fields around the county lieutenant's home.³

In the years between 1730 and 1760, however, the community role of these homes and estates gradually diminished. Increasingly, the great plantation homes became private havens for Virginia's gentry. Small urban centers and rural hamlets took their place as the central focus of the neighborhood's interaction. At one of these small towns or landings, travelers disembarked. On the Rappahannock River, as an example, these communities included Urbanna, Leeds, Port Royal, Falmouth, and Fredericksburg.⁴

Approaching Port Royal travelers encountered another, more modest, plantation. Captain William Fox's seven hundred-acre plantation overlooked the Rappahannock just a half mile below the town. His unpretentious home stood only one story high. Its brick construction was unusual, as was the eight-foot wide portico gracing the riverside facade. Most planters of his station lived in wooden clapboard dwellings, but Fox was not only a planter. As master of the ship *Matty*, he engaged in

³ Isaac, *Transformation*, 34-42 illustrates the gentleman's seat. Kulikoff, *Tobacco*, 261-313 discusses the rise of the gentry elite. T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton: Princeton University Press, 1985), 84-118 describes the great planters and their relationship with lesser Virginians in the consignment trade system.

⁴ Lewis, *Pursuit of Happiness*, discusses the retreat of gentry to their estates. Earle and Hoffman, "Staple Crops," 22-23 and O'Mara, "Urbanization," 295-296, 316 and 341-342 discuss the emergence of small urban centers.



Figure 5: Detail from the Fry Jefferson map showing the landscape between Port Royal and Norfolk.

the British and West Indies trade. Fox consigned goods for merchants up and down Virginia's coast in Port Royal, Williamsburg, York, and Norfolk. Fox could well afford this sturdy brick dwelling. His residence, like Landon Carter's, displayed a garden visible from the waterfront, but Fox's measured only "200 feet square." This was not a pleasure garden. Fox's garden supplied vegetables and herbs for the household and he paled it in with sawed boards as a discouragement to pests. On the river, in front of the dwelling, a "good fish house" exploited the excellent shad and herring fishing on the river. Fox also rented part of his land to a tenant. He worked hard for the material advantages he possessed. Managing the plantation, shipping consignments, the fishery, and a tenant kept William Fox busy.⁵

At Port Royal, ships anchored in the river and tied to the dock obscured the view of the town. The estuary was only about a quarter mile wide at this point, but its depth was sufficient to accommodate some larger cargo and trade ships. On the wharf, ship's captains off-loaded their cargoes of imported goods or stuffed their holds with tobacco, ginseng, lumber, barrel staves, shingles, and skins in preparation for departure to northern colonies, the West Indies, or Great Britain. Planters of varying status looked over the latest shipload of indentured servants or slaves with an eye for

⁵ Captain Fox offered his plantation for sale in August 1766, *Virginia Gazette*, ed. Purdie and Dixon, 15 August 1766, 3. This is probably the same Captain William Fox who frequently advertised or is mentioned as master of the ship *Matty*, operating out of the Rappahannock River. Fox was engaged with, and transported goods for merchants from Port Royal to Norfolk. See: *Virginia Gazette*, ed. Royle, 4 December 1766, 3; *Virginia Gazette*, ed. Rind, 11 December 1766 Supplement, 3; *Virginia Gazette*, ed. Purdie and Dixon, 10 October 1766, 3 and 6 November 1766, 3.

purchasing new plantation hands. Another ship waited in the river while its captain searched the town for a pilot to guide it farther up river to Fredericksburg. Those who disembarked walked through a hamlet designed in a grid pattern, four streets wide and four or five streets deep. Between twenty and thirty structures graced the streets including homes, trade shops, taverns, boarding houses, and six Scottish merchants.⁶

Given the prevalence of waterways cutting across Virginia's landscape, the sojourner might assume water the easiest, most direct method of travel within the colony. Actually, individuals did not commonly journey by water until the mid-nineteenth century. Most ships and boats engaged in commerce and the transportation of goods, and great plantation estates were oriented on the river for commercial advantage.⁷ But travel by individuals from one destination to the next generally involved overland routes. A network of roads crisscrossed tidewater Virginia, and fords, bridges, and ferries traversing the waterways connected them. Overland was the most direct and convenient path for travel. Between 1768 and 1774

⁶ John Harrower, *The Journal of John Harrower, An Indentured Servant in the Colony of Virginia 1773-1776*, ed. Edward Miles Riley (Williamsburg: Colonial Williamsburg Foundation, 1963), 37; *Virginia Gazette*, ed. Royle, 4 November 1763, 2; *Virginia Gazette*, ed. Purdie and Dixon, 15 August 1766, 3 and 6 November 1766, 2.

⁷ There are some notable references to boat travel in Virginia. Fithian, for example, records one Sunday in 1774 when the Nomini River was "alive with Boats Canoes &c some going to Church, some fishing, & some Sporting." Fithian describes this traveling boat owned by Carter as "a light neat Battoe elegantly painted & is rowed with four Oars." Still, the entire time Fithian was with the Carter family, he only recorded traveling by water three times. On every other occasion Fithian and the Carters traveled overland. Fithian, *Journal and Letters*, 31, 33, 34, 37, 41, 42, 47, 87, 125, 144-145, 149, 157, 172, 192.

George Washington traveled to Williamsburg sixteen times and each time he traveled the overland roads. Those of even modest means traveled by horseback. Affluent men and women navigated the land passage in coaches or riding chairs. The poor and enslaved journeyed on foot.⁸

This was the scene just outside Port Royal. Locals moved up and down along the town's land entrance: some walked, some rode horseback, and a few rode in carriages. Folk from the countryside did business with the merchants and tradesmen of Port Royal. Cart drivers guided teams of oxen or horses, their wagons loaded with goods for the wharf or produce and supplies for the town. About one half mile outside town a blacksmith worked at the shop next to his small dwelling house. The tradesman at work here rented the property from Captain Fox.⁹

The countryside past Port Royal carried the mark of Virginians. Fields of

⁸ T.H. Breen, "Horses and Gentlemen: The Cultural Significance of Gambling among the Gentry of Virginia," *William and Mary Quarterly*, 3d ser., 34 (April, 1977): 239-257; Isaac, *Transformation*, 52-57; Jane Carson, *Colonial Virginians at Play* (Williamsburg: Colonial Williamsburg Foundation, 1989), 49-60; Mary R. M. Goodwin, "Carts and Wagon's" (Colonial Williamsburg Research Report, 1963); Mary R. M. Goodwin, "Wheeled Carriages in Eighteenth-Century Virginia" (Colonial Williamsburg Research Report, 1959); Ron Vineyard, "Virginia Vehicles" (Colonial Williamsburg Research Report, 1988); Ron Vineyard, "Virginia Freight Waggon's 1750-1850" (Colonial Williamsburg Research Report, 1994); Ernest P. Goodrich, "Restoration of Colonial Traffic in Williamsburg Virginia" (Colonial Williamsburg Research Report, 1938) and O'Mara, "Urbanization," 181-237; George Washington, *The Diaries of George Washington*, ed. Donald Jackson (Charlottesville: University of Virginia Press, 1976-1979), 2: 53, 100-103, 143-144, 190, 236-241 and 3: 21-22, 24-25, 39-41, 44, 63, 71, 94, 138, 165, 210, 249, 264.

⁹ *Virginia Gazette*, ed. Purdie and Dixon, 15 August 1766, 3.

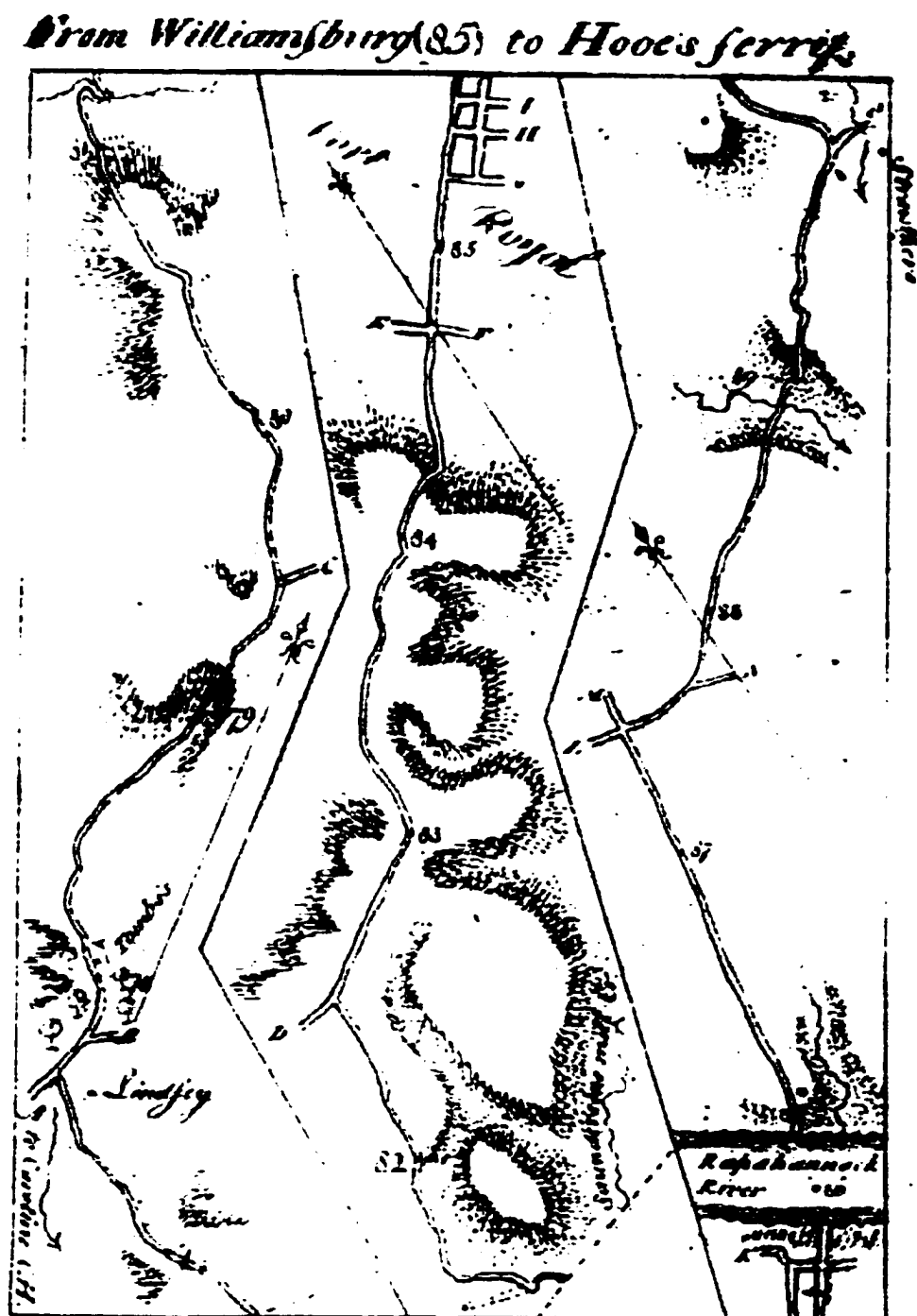


Figure 6: C. Colles, *A Survey of the Roads for the United States of America*, 1789.

From Williamsburg (84) to Port-royal.

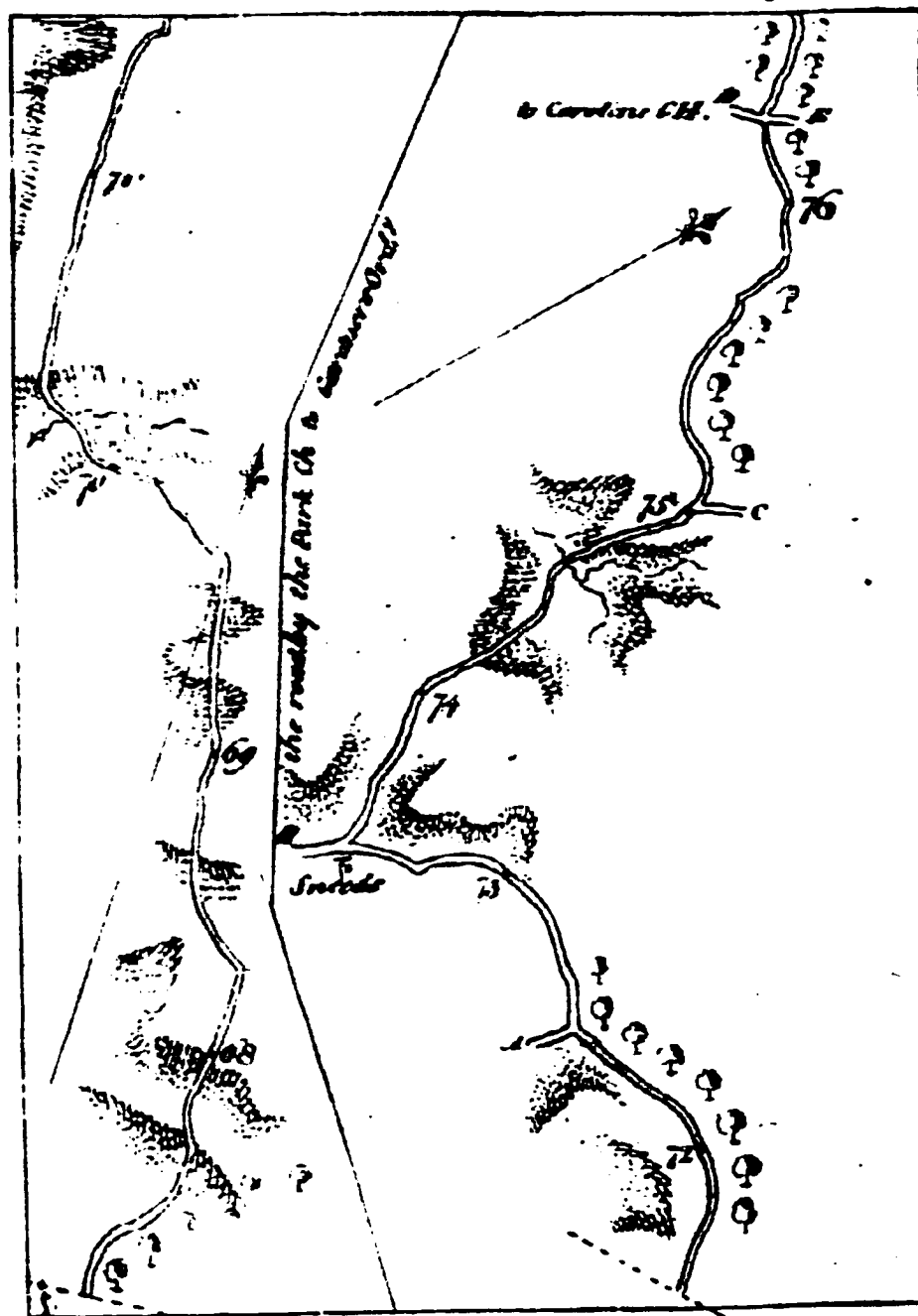


Figure 7: C. Colles, *A Survey of the Roads for the United States of America*, 1789

tobacco, corn, and grain stretched along the roadside. Even areas not under cultivation showed the results of habitation. Woodlands were strewn with stumps and timbering waste. Other sections displayed the thick weave of young second-growth scrub. Tobacco cultivation quickly sucked nutrients from Virginia's soil. Planters adopted a system of exploiting the land that left a heavy mark on the landscape. They cleared a section of forest for tobacco cultivation. In three or four years the planter abandoned this depleted section for another freshly cleared one. The used land lay fallow for up to twenty years. When a thick thatch of scrub pine and underbrush covered the old field, it could again be cleared and profitably cultivated in tobacco. Increasingly, though, farmers moved toward diversification, the cultivation of grains, and away from tobacco with its fickle market. Wheat grew profitably on land depleted for tobacco and extended the profitability of the land. As the eighteenth century progressed, production of wheat, corn, beef, pork and other staple crops increased largely in response to the demands of the Atlantic trade. European shortages increased demand for American staples. Planters who diversified crop production suffered less in the sometimes dramatic tobacco market fluctuations. More importantly, crop diversification intensified the need for urban centers connected to the Atlantic trade and did much to spawn the network of small towns and trading centers in Tidewater Virginia. This network with its imperial connections would become the forum of revolutionary Virginia. The road from Port Royal led southwest out of town before it turned due south. Sandy soil barely supported the scrub pines, but "Vast Numbers of Laurels"

grew along the roadside. During spring, blooms adorned the thoroughfare with color. Every few miles, a crossroad or fork marked the trip. To the left or right the roads led to other small communities.¹⁰



Figure 8: Benjamin Latrobe's "An overseer doing his duty. Sketched from life near Fredericksburg." (Scanned from Edward C. Carter II, John C. VanHorne, and Charles E. Bownell eds., *Latrobe's View of America, 1795-1820: Selections from the Watercolors and Sketches*, New Haven and London: Yale University Press, 1985, 133.)

¹⁰ Hazard, "Journal," 404-405. Hazard traveled this route from Port Royal to Williamsburg during May 1777 in just under two and a half days. Kulikoff, *Tobacco*, 47-48; Stilgoe, *Common Landscape*, 61; Lois Green Carr, "Diversification in the Colonial Chesapeake: Somerset County, Maryland, in Comparative Perspective," *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip D. Morgan, and Jean B. Russo (Chapel Hill: University of North Carolina Press, 1988), 342-388; Earle and Hoffman, "Staple Crops and Urban Development," 7-69.

Nine miles from Port Royal the traveler found the Caroline Courthouse crossing. The southwest road led to Caroline Courthouse just a couple of miles away. Courthouses figured visibly as centers of activity in rural communities. Monthly meetings of the court attracted most county residents, but every day the courthouse neighborhood reflected patterns of an active and vibrant rural farm community. Besides the courthouse itself, a tavern (or ordinary) often operated close by. Also within view of the courthouse there were a couple of houses or even a merchant's store. Many Virginians advertised that they lived near or had a business located near a courthouse. This did not suggest that their dwelling was within view of the courthouse, but it identified their neighborhood. Any person seeking a resident asked at the tavern or dwelling nearby and received information concerning their whereabouts from a neighbor.

Travelers often commented on the poverty they encountered as they passed through the countryside. It was not just the slave quarters occasionally within view of the road, or the gangs of Africans working in the fields as overseers stood above them and supervised. Travelers observed "miserable huts inhabited by whites, whose wane looks and ragged garments bespeak poverty." Most of these huts were one or two-room, wood frame structures. Clapboards covered the outside walls and roof. Few planters lathed and plastered the interior walls. There was seldom a second floor. Glass windows adorned a few dwellings, but most planters closed out weather and light

when they latched their shutters. Planters often built their chimneys of wood and plastered the inside with mud. Both poor and middling planters lived in dwellings of approximately equal size. Increased status in the community found expression in finer building materials, floors, plastered interior walls, glass, brick, and possessions.¹¹

Sneed's Ordinary was three miles below the Caroline Courthouse crossroad. The east fork at Sneed's turned sharply south some two miles later and headed for Beverley's Run eight miles away. After fording the stream, the road continued to Gardner's Ordinary crossroad where the westward road led to still another crossroad and the turn south for Todd's Bridge. Navigating the matrix of roads and lanes, though well known to locals, perplexed the stranger. Travelers, no doubt, frequently requested directions from locals they encountered along the way.

Todd's Bridge, a small community, included the bridge, but also a warehouse, ordinary, post office, several homes, and probably a store. This was obviously not a planned community. No grid plan measured off streets as in the town of Port Royal. Buildings, constructed hodgepodge, lined either side of the bending road. Bernard Moore's nearby forge and geared grist mill were also part of this small community. The post rider visited frequently, passing though the community twice weekly on his trips between Newcastle and Fredericksburg. The front of the warehouse often served

¹¹ Marquis de Chastellux, *Travels in North America in the Years 1780, 1781 and 1782*, trans. Howard C. Rice (Williamsburg: Institute of Early American History and Culture, 1963), 2:438; Upton, *Holy Things*, 110-114; and Chappell, "Housing a Nation," 180-182.

as an auction block for Virginia-born slaves. Bridges were important connectors for this tidewater region cut by waterways. Bridges linked communities, facilitated the transportation of goods and produce, and assisted the traveler. Todd's Bridge crossed the "Mattapony" River and connected King and Queen County with its southern neighbor, King William county.¹²

Colonel Thomas Moore and Colonel Bernard Moore were two of King William County's more prominent citizens and land owners. Thomas Moore owned several tracts in the county most of which he probably rented to tenants. His five hundred acres on the Mattapony river had a large two-story brick house containing eight rooms. On another tract between the Mattapony and the Pamunkey rivers, a more common

¹² *Virginia Gazette*, ed. Purdie, 5 May 1766, 2; *Virginia Gazette*, ed. Rind, 8 August 1766, 3 and 11 December 1766, 3; and *Virginia Gazette*, ed. Purdie and Dixon, 10 October 1766, 3; 27 November 1766, 2; 2 April 1767, 2; 23 April 1767, 2; and 14 May 1767, 3.

Petitions to the Virginia Assembly in 1745 and again in 1761 requesting the establishment of a town at Todd's Bridge were rejected by the Burgesses. Still, the bridge community was an active commercial hamlet during the 1760s and 1770s. It was not until almost 1800, though, that the area was incorporated as the town of Dunkirk. A 1796 plat of the proposed town bears witness to the community's previous unplanned development. The new town plat laid out a grid pattern with three streets running north/south. Another three streets ran east/west. The plat gives the location of existing buildings (granaries, a tavern, dwelling houses). These existing buildings, though, do not relate to the new town layout. The tavern straddles two lots. Robinson's Granary is located in the middle of a street. Connecting the existing structures drawn on the plat, provides a view of the old country road that existed in the 1760s. From the bridge it moved northeast diagonally across the proposed grid streets of Dunkirk, turning slowly north. James Mason Grove, "The Story of Todd's Bridge-Dunkirk: An Account of the Rise and Decline of An Old mattaponi River Settlement of King and Queen County, Virginia" (Williamsburg, Virginia, 1983); and Virginia D. Cox and Willie T. Weathers, *Old Houses of King and Queen County Virginia* (King and Queen Historical Society, 1973), 245-254.

wooden structure served as a dwelling. Three other tracts ranged from 130 to 340 acres. All contained slave quarters “and convenient houses for cropping, and orchards, &c.” One tract adjoined the “main road from King William courthouse to Claiborne’s ferry, . . . conveniently situated for keeping a tavern or a store.” Thomas Moore also owned a “good water grist mill” in this area. His slave, Hercules, the miller, ground corn and other grains for Moore’s neighbors. As many as thirty slaves worked on Moore’s properties. The bondsmen Harry and Jemmy were sawyers and clapboard carpenters. In 1766, Harry lived with his wife Sarah, mother to their one-year-old daughter Judith. York was a gang leader, responsible for overseeing much of the work on Moore’s quarter. His family included his wife, Delph, and their infant daughter, Dorah. Jupiter and his wife Sukey had a one-year-old named Judith. There were Cuff and his wife Thompson. Molly, a seventeen-year-old mulatto, was competent at “all kinds of needle work,” and Sarah was “a good mantuamaker.” They served Moore as house servants. Lucy, Sarah’s child, was about two years old. Eve had worked in the house, but also in the fields. She had a daughter named Rachel. Daniel, Dinah, Jupiter, Judith, Lucy, Alice, Daphne, Nancy, and Cuze worked the fields and tended livestock that included at least eight horses and one hundred head of cattle. In September 1767, all of Moore’s King William property was sold by lottery to pay his debts to the John Robinson estate.¹³

¹³ *Virginia Gazette*, ed. Purdie and Dixon, 27 November 1766, 2. The complete description of Thomas Moore’s property and slaves comes from a lottery announcement in *Virginia Gazette*, ed. Purdie and Dixon, 3 September 1767, 3. The property is listed

Small planter Joseph Southerland lived near King William courthouse, as did Harry Gains on seventeen hundred acres of land, three hundred of which he leased to tenants. Gains's prosperity came from his family's occupation, carpentry and undertaking. His father, Major Harry Gains, built the churches in Stratton Major, Christ Church, and Middlesex parishes in the early part of the century. The son added to this legacy, building a vestry house and church for Stratton Major Parish. Other credits of the younger Gains included the construction of William Byrd's plantation house at Westover. Gains acquired enough respect in his community that the county constituency elected him to the House of Burgesses.¹⁴

William Cowne rented five hundred and seventy-two acres of land belonging to the estate of Anderson Stith. The widow, Joanna Stith, unsuccessful at settling her husband's debts, placed the tenement on the market. Cowne probably worried that a new landlord might raise the rent and send him in search of a new plantation. Several apprentices worked in the area for Francis Smith, Sr. and James Geddy, undertakers and carpenters at King William Courthouse. James Axley and William Arter were carpenters. William Kindrick apprenticed as a bricklayer.¹⁵

in a variety of lots or prizes. It is interesting that Moore divided up his slaves into family groups.

¹⁴ Upton, *Holy Things*, 24-25.

¹⁵ *Virginia Gazette*, ed. Royal, 4 November 1763, 3; *Virginia Gazette*, ed. Purdie and Dixon, 29 August 1766, 2; 2 April 1767, 3; and 10 September 1767, 2. There is no indication that carpenter James Geddy of King William Courthouse was related to silversmith James Geddy of Williamsburg.

In another three miles the road between Port Royal and Williamsburg reached Aylett's Warehouse and landing. Archibald Govan, factor for a Scottish merchant firm, ran a store near the warehouse. A factor's clientele generally extended twelve to fourteen miles around his store. A successful merchant ingratiated himself "with the people." Acting "from judgement and through knowledge of people's dispositions," a factor provided good services for all and was not above plying his customers with "drink in abundance" when advantageous. These factor merchants purchased crops, mostly an inferior grade of tobacco for the French tobacco market in which Scottish merchant firms traded.¹⁶

From Aylett's Warehouse it was five miles to Burwell's ordinary where the road turned east and connected with the Mancochick Road to Chesterfield. In 1781 a Pennsylvania lieutenant, William Feltman, traveled through Burwell's "ornery" (as he recorded the Virginia pronunciation of ordinary). The lieutenant described the place as "destitute of every necessary of life." As Feltman marched through this area with the army, residents of various rural neighborhoods stood along the road and watched the soldiers pass. His soldier's eye could "scarcely discern any part" of the white women

¹⁶ *Virginia Gazette*, ed. Purdie, 4 April 1766, 3. James Robinson managed several factors and their stores for the firm of William Cuninghame and Company of Glasgow. His letters provided instructions to the factors on the proper management of their affairs. Here, his advice to factors is used to construct the way Govan could have conducted his business. Devine, *A Scottish Firm*, 11, 47, 51, 63, and 66. Breen, *Tobacco Culture*, 180-181 and Kulikoff, *Tobacco*, 99-101 and 120-121, discuss the diversification of agriculture. See also Richard L. Bushman, "Shopping and Advertising in Colonial America," *Of Consuming Interests*, 233-251.

who stood on the roadside. They had “themselves muffled up with linens, &c. in order to prevent the sun from burning their faces.” In contrast, “a number of the blacks,” male and female, stood alongside the veiled whites, “all naked, [with] nothing to hide their nakedness.” Pennsylvania soldiers in the road looked on the passing scene in amazement, but their Virginia hosts took these circumstances for granted. It was the common way of dress and undress in the community.¹⁷

After Aylett’s, the road turned slowly south, passed through the West Point-William’s Ferry crossroad, and on to Ruffin’s Ferry. Virginians limited bridge construction to small spans, and fords only traversed shallow water. Ferries dotted the river front transporting carts, wagons, livestock, and travelers on foot, horseback or carriage. On occasion, crossing was dangerous. Sudden storms and accidents damaged property and injured passengers or their horses. Ferry schedules were erratic. Ferrymen commonly operated their service along with another trade (a small plantation, tavern, or store). In consequence, travelers seldom found the ferryman ready. Passengers waited while someone fetched the ferryman from his other work, or they watched while the ferry meandered back toward them after transporting a previous load. Ruffin’s crossed the Pamunkey River where it was three hundred yards wide and about forty feet deep. On the south shore the road crossed through two miles of swamp

¹⁷ Lieutenant William Feltman, *The Journal of Lieut. William Feltman, of the First Pennsylvania Regiment, 1781-1782: Including the March into Virginia and the Siege of Yorktown* (Philadelphia: Published for the Historical Society of Pennsylvania, 1853, reprint New York: Arno Press, 1969), 5.

before the ground on either side became firm and dry. Doncastle, or Byrd's Ordinary, was another few miles down the road.¹⁸

The estate of Speaker and Treasurer John Robinson owned Doncastle Ordinary (also known as Byrd's Ordinary). Thomas Doncastle rented the property and developed quite a reputation for the establishment. Besides the ordinary building, the tavern keeper managed five hundred acres of land, and lived in a "genteel two story house." His business and household operated with the help of a cook and several house servants. Doncastle kept a "stock of cattle, hogs, horse [and] sheep" on the property.¹⁹

¹⁸ Pat Gibbs, "Transcription of Taped Statement on Travel Conditions in Eighteenth-Century Virginia" (Memorandum to Mrs. Barbara Carson, 25 November 1985, Colonial Williamsburg Research Query File). The keeper of the Capahosack Ferry, William Thornton, advised travelers that "on making a Smoak on the other side of the River, the Boat will be immediately sent over." *Virginia Gazette*, ed. Hunter 28 March 1751, 4. Francis Meek's ferry and Monk's Landing operated the same way. He advertised in 1766 that the ferry boat would be sent over immediately if gentlemen made smoke "at the usual place." He offered a shilling discount for those travelers who had to wait for his arrival. *Virginia Gazette*, ed. Purdie and Dixon, 30 May 1766, 3. In 1725 Hugh Jones noted that "there are ferries at convenient places, over great rivers; but in them is often much danger from sudden storms, bad boats, or unskilful or wilful ferrymen; especially if one passes in a boat with horses, of which I have great reason to be most sensible by the loss of a dear brother at Chickohomony Ferry, in February 1723/4." Hugh Jones, *The Present State of Virginia*, ed. Richard L. Morton (Chapel Hill: University of North Carolina Press, 1956), 85-86. In 1796 Isaac Weld did not find Virginia ferry service improved. Weld complained that "there is not one in six [ferries in Virginia] where the boats are good and well manned, and it is necessary to employ great circumspection in order to guard against accidents, which are but too common. As I passed along I heard of numberless recent instances of horses being drowned, killed, and having their legs broken, by getting in and out of the boats." Isaac Weld, *Travels Through The States of North America*, ed. Martin Roth (New York: Johnson Reprint Corporation, 1968, reprint of the 1807 edition), 1: 170.

¹⁹ Advertisements provide several good descriptions of the Doncastle's Ordinary property. See *Virginia Gazette*, ed. Purdie and Dixon, 20 November 1766, 2; 27 July

The road from Doncastle led past Hickory Neck Church, to Burnt Brick Ordinary, and on to Allen's Ordinary. Buildings, ordinaries, and crossroads acted as sign posts marking the traveler's progress. From Allen's the final leg of the trip to Williamsburg was just six miles.

The road from Doncastle's cut deeply into the terrain, showing more than a hundred years of traffic. Approaching Williamsburg the vistas opened. Fields on each side appeared larger and the patches of uncut timber smaller. Travelers could see the College cupola though they were well outside town. The trip from Port Royal took about two and one half days. As the town came closer, the College loomed impressively. This three-story brick structure, clearly a public building of some stature, heralded the entrance into the City of Williamsburg. The city (two to three times the size of Port Royal) was small for a capital. Moreover, the city was landlocked. Only shallow draught shipping could approach within a couple of miles at College Creek Landing south of the city. Capitol Landing on Queen's Creek north of the city was no more accommodating.²⁰

1769; 2 November 1769; 2 June 1774 and 30 December 1775.

²⁰ When Ebenezer Hazard traveled to Williamsburg in 1777 he characterized the road coming down from Doncastle's as "sandy & deep." Hazard also gave a detailed description of the town and its buildings. Hazard, "Journal," 405-410. In the early 1780s Johann David Schoepf described the town set in "a pleasant, open plain, and even from a distance commends itself to the traveller by a particularly cheerful and stately appearance" Johann David Schoepf, *Travels in the confederation [1783-1784] From the German of Johann David Schoepf*, trans. Alfred J. Morrison (New York: Bergman Publications, 1968), 78-79. For other descriptions of the town see Reverend Andrew Burnaby, *Travels Through the Middle Settlements In North-America*,

Williamsburg was an interesting combination of government seat, commercial center, country market, and rural farming community. The main street stretched about a mile from west to east. Standing midway down this broad avenue (named Duke of Gloucester Street), the traveler spied public buildings in every direction. At the west end stood the College chartered by King William and Queen Mary in 1693 and constructed between 1695 and 1700, the oldest public building in the city. There on Duke of Gloucester Street was Bruton Parish Church. Next to the brick cruciform structure, a tree lined vista drew the eye north to the residence of Virginia's Royal Governor. The Georgian design – capped by a cupola, flanked by two smaller dependencies, and enclosed with a brick wall – impressed onlookers as a “magnificent structure.” A few steps east on Duke of Gloucester Street was the Market Square with its market house. Here, farmers gathered to sell their produce and meats. Slaves earned cash by selling the chickens they raised and the oysters they gathered from the river. On the south side of the square a two-story brick octagonal structure served as the colony's storehouse for weapons and gunpowder. By 1770 a new courthouse graced the north side of the street. At the far eastern end stood the Capitol building in

In the Years 1759 And 1760, 2nd ed. (London: Printed for T. Payne, 1775), 5-7; Baron, Marie Francois Joseph Maxine Cromot du Bourg, “Diary of a French Officer 1781 (Presumes to be that of Cromot du Bourg, Aide to Rochambeau),” *Magazine of American History*, 4: (1880), 205-214; and Jedidiah Morse, *The American Universal Geography, Or, A View Of The Present State Of All The Empires, Kingdoms, States, And Republics In The Known World, And Of The United States Of America In Particular. Illustrated With Twenty-Eight Maps And Charts*, 3d ed. (Boston: Isaiah Thomas and Ebenezer T. Andrews, 1796), 186-187.

a symmetrical complement to the College.²¹

Despite the absence of a waterfront, Williamsburg still maintained a thriving commercial life. Several merchants operated profitable stores in the city. Professionals, including surgeons and lawyers, worked within the city's boundaries. The town overflowed with tradesmen: tailors, shoemakers, apothecaries, goldsmiths, silversmiths, blacksmiths, founders, cabinetmakers, coachmakers, and undertakers. In 1765, more than 250 inhabitants identified themselves as artisans producing the goods of more than fifty trades.²²

The city's governmental and economic roles intermingled. Several times each year meetings of the General Court, Assembly, or the Governor's Council brought a variety of Virginians to the city. Twice yearly merchants of the colony gathered during the General Court and set rates of exchange. Taverns profited from the cosmopolitan nature of the city. Unlike the small one- and two-room ordinaries encountered on rural roads, Williamsburg's multi-room taverns catered to the gentry and middling sort frequenting the town.

²¹ Jones, *Present State of Virginia*, 66-71; Reps, *Tidewater Towns*, 141-193; Sylvia Doughty Fries, *The Urban Idea in Colonial America* (Philadelphia: Temple University Press, 1977), 1977, 108-135.

²² Harold B. Gill, Jr., "Artisans in Williamsburg 1700-1800" (Colonial Williamsburg Foundation Research Report 1994), chart 5. According to Gill, the occupations and workers peaked in 1775 with more than fifty occupations practiced by 300 artisans. Over the next ten years the trades diminished significantly, a drop most likely caused by moving the capitol Williamsburg to Richmond.

Still, the city had a distinctive rural feel. Several prominent and enterprising residents owned large plantations adjoining the city. The Governor was one. Behind his mansion and the finely trimmed formal gardens, slaves worked an extensive tract of land. Peyton Randolph, who succeeded John Robinson as Speaker of the House of Burgesses, and his brother Attorney General John Randolph presided over plantations on the outskirts of town. Other prominent residents like Colonel William Byrd and Colonel John Chiswell managed extensive land holdings elsewhere in the colony and maintained houses in the city. Robert Carter of Nomini Hall resided primarily in his town house for many years and spent little time in residence at his plantation.

Leaving by the east end of the city, the York Road carried travelers down the peninsula. Just outside the city in May 1765 a traveler saw the spectacle of three slaves hanging from a gallows. Executed for stealing money from a Williamsburg resident, the slaves were left hanging on the York Road as a warning to others.²³ Yorktown was

²³ "Journal of a French Traveller in the Colonies, 1765," *American Historical Review*, 26 (1921), 745. The traveler approached Williamsburg along the York Road where he reported seeing the "three negroes hanging at the gallows for having robbed Mr. Waltho of 300 ps." The General Court – the colony's highest court – tried whites accused of felonies. Local courts judged accused slave felons. On May 5, 1765, York County magistrates tried Sam (belonging to John Brown of James City County), Charles (owned by James Carter Esq of Williamsburg), and Tom (slave of William Wilkinson of James City County). The three men stood accused of "Feloniously and Burglariously" breaking and entering the York County house of Nathaniel Walthoe, clerk of the council, during the evening of April 21, 1765. Court papers asserted that the slaves stole several pieces of clothing valued at £ 6 (silk stockings, frize coat, waistcoat and velvet breeches). Also taken were £ 350 of Virginia Treasury bills. The defendants pled not guilty, but magistrates found them guilty. The court valued the slaves at £ 70 each, and executed them that very day (May 5). Their bodies were still hanging on the York road twenty-five days later on May 30 when a French traveler

twelve to thirteen miles away.

The town of York was a small, though important, shipping center. The York River was about two miles wide at this point. Across the river was Gloucester Point. The largest seagoing vessels could anchor here, but past Yorktown only shallow draught vessels could navigate the York River. A cluster of some 300 small houses, shops, and warehouses packed along the shoreline. Behind this business center the ground rose sharply to form a cliff. From atop this bluff, overlooking the town and ships anchored in the river, stood the houses of York's most prominent citizens,



Figure 9: Benjamin Latrobe's "View of Yorktown, from the beach, looking to the West." (Scanned from Carter, VanHorne, and Bownell eds., *Latrobe's View of America*, 159.)

noted the site in his journal. Willis, "The Masters' Mercy," 244.

including Councilor William Nelson's grand brick Georgian home.²⁴

From Yorktown the road continued eastward down the peninsula past Half Way Ordinary. The road ended at Hampton, a town no larger than Yorktown. Hampton was a deep water port on the James River side of the peninsula. When the Elizabeth City County Court was in session, however, the town bustled with activity. Often Royal Navy ships stationed in the Chesapeake moored in the harbor. Anne Blair of Williamsburg traveled to Hampton during these times and took advantage of the "Balls both by Land and by Water." Royal Navy officers entertained and charmed the ladies on board their ships, with the military panoply of "the Drum & Fife" and with their "pleasing Countenances," polite company, and "easy Behaviour."²⁵

From Hampton it was a short sail across the James River, past Sowels and Lamberts Points, into the eastern branch of the Elizabeth River. Several miles upstream travelers came upon Norfolk, the largest urban center in the colony. There was no neatly organized grid plan for the layout of the town. As the city had grown, residents laid out new sections according to the topography, not a symmetrical design.

²⁴ William Hugh Grove, "Virginia in 1732: The Travel Journal of William Hugh Grove," ed. Gregory A. Stiverson and Patrick H. Butler III *Virginia Magazine of History and Biography*, 85 (January, 1977), 21-26; "Observations in Several Voyages and Travels in America in the Year 1736 (From the London Magazine, July, 1746)," *William and Mary Quarterly*, 1st ser., 15 (April 1907): 222; and Hazard, "Journal," 62: 421.

²⁵ "Journal of a French Traveller," 741; A[nne] Blair to [her sister Mrs. Mary Braxton, at Newington], 1768, Blair, Banister, Braxton, Horner, and Whiting Papers, 1765-1890, Swem Library, College of William and Mary.

Homes were mostly modest one story structures. More prominent merchants and professionals lived in somewhat larger homes. This protected harbor was ideal for trade. The banks of the Elizabeth River at Norfolk were high enough to make landing and loading goods convenient. Norfolk was a commercial town inhabited primarily by merchants, artisans who built and supplied the necessities for ships, and “Sailors enough to manage their Navigation.” Besides merchant warehouses laden with import and export goods, a shipbuilding industry thrived in the area. Lumber from the nearby forests supplied masts and planking.²⁶

Norfolk was a town of enterprise. By the 1760s it was the largest town in Virginia. Tar, pitch, turpentine and timber from North Carolina filled its warehouses and fed its thriving shipbuilding industry. Carolina farmers also herded cattle and hogs into town for slaughter and export. Norfolk profited from the diversification of the Chesapeake’s crop production. Between 1740 and 1770, Virginia’s corn exports grew from 42,212 bushels to 388,298 bushels. Wheat exports increased from 25,204 bushels to 185,926 bushels. In 1740, Virginia exported 15 tons of flour. Thirty years later merchants shipped 2,591 tons of flour out of her ports. Much of Virginia’s grain exports went through the Norfolk harbor, brought by Chesapeake sloops and schooners. From Norfolk it went on to the West Indies and southern Europe. There was also a thriving manufactory. James Campbell and Company operated one of the largest

²⁶ William Byrd, *Histories of the Dividing Line Betwixt Virginia and North Carolina* (New York: Dover Publications, 1967), 36; “Journal of a French Traveller,” 739-740 and 743-744.

manufacturing complexes in America. The ropewalk, tannery, and shoe factory employed almost fifty slaves. By the mid-1760s Norfolk's entrepreneurs were primarily Scots Presbyterians, whom one hostile traveler deemed as the "most bigoted set of people in the world." This traveler, however, only commented on a portion of the inhabitants. The residents of Norfolk were a diverse lot. Half the population was of African descent. Though most were enslaved, Norfolk had a small free black community. Then there were the runaways. Norfolk represented opportunity for runaway slaves and the outbound ships in her harbor represented freedom.²⁷



Figure 10: Benjamin Latrobe's "View of Norfolk from [Smith's] Point." (Scanned from Carter, VanHorne, and Bownell eds., *Latrobe's View of America*, 69.)

²⁷ "Journal of a French Traveller," 739; Claim of James Parker of Norfolk, PRO, AO 12/54, 247-271; and Nicholls, "Aspects," 1-24 and 81; Earle and Hoffman, "Staple Crops and Urban Development," 27, 30-31 and 40-44.

By the 1760s, a tight web of communities with integrated trade, economic, and communications networks knitted Virginia's Tidewater together. Some centers like Port Royal, Williamsburg, and York were planned communities located strategically on the landscape in regular grid patterns for trade and government. Others evolved, unplanned, in response to economic needs and opportunities. A series of roads, bridges and ferries linked each small community to its neighbor. The events of one were the news of the next. What is more, across these roads and through these communities news of gathering political crises – provincial and imperial – spread quickly.

CHAPTER IV

NORFOLK TOWN

The English constitution bound both rulers and commoners to the law. Local leaders administered the law over lessers in community. If those who governed violated the public trust, however, common folk defended the community's interest. Virginians were ready to act outside the bounds of law in an extra-legal or extra-institutional manner. It is inaccurate, however, to describe these actions as expressions of vehement anti-authoritarianism. Virginia, in most respects, valued a deferential society. But when necessary common folk instituted their own will when law failed to protect them. In the mid 1760s, Norfolk residents – perceiving a threat – acted more than once in defense of the community's interests.¹

Saturday, September 5, 1767, His Majesty's Sloop of War *Hornet*, Jeremiah Morgan captain, anchored off Norfolk. Arriving around eight in the evening, she came down on a day's sail from Mr. Sprowles' wharf at Gosport. Captain Morgan was intent on impressing seamen into His Majesty's service. According to Morgan, "the Merchants of London, Liverpooll &ca who Trade to Virginia" knew the town's

¹ Maier, *From Resistance to Revolution*, 3-48.

reputation well. Norfolk was a haven for maritime deserters.²

Jeremiah Morgan was no stranger to Norfolk. He knew the ways and business of the place very well. During his long stay in Virginia waters Morgan rented a house in Norfolk and lived there when the *Hornet* was in port. He knew personally the town's leading citizens. On Saint George's Day, April 23, 1766, for example, Morgan and his officers sponsored a celebration "at the house of Mr. Runsbury." The company, which included several "other Gentlemen" from the town of Norfolk, closed with twenty-two toasts as the *Hornet's* tender fired salutes from its guns. The first glasses observed the prerequisite homage to King, Queen, and Royal family. As salutations continued, toasts included a whole series of more general sentiments. Many attending that night, no doubt, belonged to Norfolk's "Sons of Liberty" protesting the

² According to Jeremiah Morgan, seamen commonly received two months' pay, in advance, before setting sail from Britain. Usually, the voyage to America took less than three months. After arriving in America, a seaman could jump ship and lose no more than a month's pay. Those who deserted in Virginia headed for Norfolk. In the town "a set of People they call Crimps" supplied sailors "with every thing they want."

The crimps, of course, were not running a charity. They provided sailors with credit for food, lodging, and liquor. Acting as agents for the seamen, crimps found employment for sailors on understaffed ships. Many ships, short handed after a stay in Virginia, could not make the return voyage unless they filled out their complement. A ship's captain found himself obliged to go to Norfolk and "give from Ten to Sixteen Guineas a Man" just to get enough sailors for the run home. This pay advance did not go to the sailor, however. Two-thirds of the money went to Crimps, paying finder's fee and the tabs that sailors ran up, according to Morgan. *Virginia Gazette*, ed. Purdie and Dixon, 1 October 1767, 2; Jeremiah Morgan to Francis Fauquier, September 11, 1767, *The Official Papers of Francis Fauquier, Lieutenant Governor of Virginia, 1758-1768*, ed. George Reese (Charlottesville: University Press of Virginia, 1980-1983), 3:1500-1502; Journal of the Proceedings of his Majesty's Sloop *Hornet*, Captain Jeremiah Morgan Commander Commencing the 1st May 1767 & Ending the 5 Mar 1768, PRO Adm. 51/459.

Stamp Act. The toast to the “true Sons of British Liberty” held very different meanings for Royal officers and the town’s people present that night. They drank a health “To those who dare to be honest at the worst of times” and wished “no scoundrel be in the post of Gentleman.” They yearned for “all bullies” to be “tamed by cool courage” and ended their evening with the cry “Community, Unity, Navigation, and Trade.”³

The naval officers and the Norfolk gentlemen shared the same community. Navigation and trade were their livelihoods. These men either profited from trade or protected it. But differing ideas concerning the course of that trade caused problems between Morgan and some Norfolk citizens. Norfolk was not just a haven for “deserters,” it also harbored smugglers. Morgan’s key mission in Virginia waters was to inhibit smuggling. He apparently did his job quite well.⁴ Virginians and North Carolinians tracked Morgan’s success along the coast. Once captured, a smuggler’s ship and all its contents became prize of the *Hornet*. In January 1767, Morgan auctioned one of these prizes in Newburn, North Carolina. The cargo alone (some sixty-seven hogsheads of rum) sold for more than four hundred pounds. The ship itself “went cheap” on the auction block to some enterprising buyer.⁵

³ *Virginia Gazette*, ed. Purdie, 9 May 1766, 2; To Jeremiah Morgan from William Aitchison, Norfolk, 30 November 1765, PRO. Adm 1/2116.

⁴ Middleton, *Tobacco Coast*, 207-213 discusses Chesapeake smuggling.

⁵ See *Virginia Gazette*, ed. Purdie and Dixon, 1 January 1767, 2 and 19 February 1767, 1, for accounts of Morgan’s prizes and auctions.

Those monitoring Morgan's exploits described him as a "very assiduous" man. According to one observer he let "nothing escape him." His diligence "in some measure put a Stop to their Illicit Trade." Some in Norfolk did not appreciate the captain's success, and told him so. In the fall and winter of 1765, Morgan received anonymous threats against his life, threats to burn down his rented house while he slept in it.⁶

Morgan, no doubt, treated these threats seriously. In the spring of 1766, he witnessed the citizens of Norfolk in action. A strong Sons of Liberty organization headed the town's Stamp Act resistance. Norfolk's members were neither the most prominent nor the least prominent Virginians. The majority were merchants or tradesmen of the city. Their primary interest was flourishing trade and commerce for the city of Norfolk. That interest intertwined with the larger issues of provincial, colonial and imperial politics. When something stood in the way (Virginia resident, Royal Navy, or Parliament) Norfolk residents stepped forward.

In April 1766, the Norfolk Sons of Liberty published their resolves against the Stamp Act. The next month they wrote a congratulatory letter to Colonel Richard Bland on the publication of "An Inquiry into the Rights of the British Colonies." For

⁶ Jeremiah Morgan to Francis Fauquier, 11 September 1767, *Fauquier Papers*, 3:1500-1502; *Virginia Gazette*, ed. Purdie and Dixon, 1 January 1767, 2 and 19 February 1767, 1; To Jeremiah Morgan from William Aitchison, Norfolk, November 30, 1765, PRO Adm 1/2116. Aitchison acted as agent for Mr. Steuart who owned the property Morgan rented. Aitchison requested a deposit from Morgan equal to the cost of the house because of threats to destroy the property.

his “glorious undertaking” the “Sons of Liberty beg you will accept of their hearty thanks and best wishes.”⁷

⁷ The Norfolk Sons of Liberty modeled themselves after the example of Boston. The Boston Sons began as the Loyal Nine. Boston’s Loyal Nine were John Avery, Jr., Thomas Crafts, John Smith, Henry Welles, Thomas Chase, Stephen Cleverly, Henry Bass, Benjamin Edes, and George Trott. These middling Boston artisans and shopkeepers were neither conspicuous nor prominent in the Stamp Act opposition. They were, however, the prime instigators of the August 1765 protest in Boston. Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill: University of North Carolina Press, 1953), 121-123.

To date I have not located a listing of the Norfolk Sons of Liberty. Their names did not appear with their resolves in the *Virginia Gazette*. Jeremiah Morgan identified a few of the principal Sons of Liberty in his April 5, 1766, letter to Francis Fauquier. William Smith identified others in his letter to Morgan. *Fauquier Papers*, 3:1349-1350. They listed several names, but only a few occupations: Mayor Maximilian Calvert, Davis Parson, Paul Loyal, Mr. Bush [Boush?] (clerk of the county), Mr. Holt (lawyer), Anthony Lawson (lawyer), Mr. Parker (merchant), John Gilchrist (merchant), Matthew Phripp, John Phripp, James Campbell, Captain Fleming, and John Lawrence. One other individual, Joseph Calvert, called himself a Son of Liberty. *Virginia Gazette*, ed. Purdie, 23 May 1766, 3. According to Morgan there were at least thirty Sons at their first meeting in 1766.

Maximilian Calvert and Paul Loyal seem the most prominent and wealthy of the group. They had shared a 400,000 acre land grant on the New River in 1749 with sixteen other petitioners. Peyton Randolph was one of the petitioners. Both Calvert and Loyal served as local magistrates and were Mayors of Norfolk. *Executive Journals of the Council of Colonial Virginia*, ed. H. R. McIlwaine and Henry Read (Richmond: Virginia State Library, 1966-1978), 6:191 and 197. The Calverts were a merchant and seafaring family. His brother Cornelius Calvert, who also shared in the 1749 land grant, owned and captained a sloop based out of Norfolk. *Executive Journals*, 6:231, 232 and 233. Another brother, Joseph Calvert, was an insurance broker who also conducted public auctions, private auctions and acted as an agent for lotteries. *Virginia Gazette*, ed. Purdie, 2 May 1766, 2 and 23 May 1766, 3. James Campbell was a merchant in partnership with Robert Tucker, John Hunter, William Aitchison, James Parker and Archibald Campbell. *Virginia Gazette*, ed. Purdie and Dixon, 17 May 1767, 3. John Lawrence was partners with William Bolden in the Bolden, Lawrence & Company merchant firm of Norfolk. *Virginia Gazette*, ed. Purdie, 11 April 1766, 3; 16 May 1766, 3; 13 June 1766, 3; *Virginia Gazette*, ed. Purdie and Dixon, 27 June 1766, 2.

The proceedings of the Norfolk Sons of Liberty were published in *Virginia Gazette*, ed. Purdie, 4 April 1766, 3 and 30 May 1766, 3.

The March resolves of the Norfolk Sons of Liberty declared that “whoever is concerned, directly or indirectly, in using, or causing to be used, in any way or manner whatever,” those “detestable papers called the Stamps, shall be deemed, to all intents and purposes, an enemy to his country and by the Sons of Liberty treated accordingly.”

The liberty men had full intention of backing up their sanction. Merchants, in particular, took pains to associate themselves. Vendue master Joseph Calvert, for example, identified himself as a “Son of Liberty” in his advertisement of May 1766. The declaration assured the public that he would not conduct his business with stamped paper and probably also insured his business would continue unmolested by the Stamp Act protesters.⁸

Captain Jeremiah Morgan of the *Hornet* was in Norfolk when the Sons of Liberty met in March 1766. He had been in the harbor town more than two months while the *Hornet* underwent refitting. Watching the anti-imperial movement grow, Morgan felt certain it involved just the Norfolk hotheads. The resistance movement would not grow enough to even slip south across the Elizabeth River and infect the neighboring town of Portsmouth. “There is not a Man of Portsmouth side the Water I believe that will sign the [anti-Stamp Act] Paper.” Several days later Thursday, April 3, however, the Sons of Liberty proved just how effective and coercive they could be.⁹

⁸ *Virginia Gazette*, ed. Purdie, 4 April 1766, 3; and 23 May 1766, 3.

⁹ Jeremiah Morgan to Francis Fauquier, 5 April 1766, *Fauquier Papers*, 3:1349-1350.

William Smith, a Portsmouth, Virginia resident, mastered a Virginia schooner. Several local merchants owned the ship as a joint venture. When one investor, John Gilchrist of Norfolk, requested that Smith come to Norfolk and sign Bills of Loading, he doubtless thought little of it. When Smith stepped ashore in Norfolk on April 3, 1766, Gilchrist, Matthew Phripp, John Phripp, James Campbell, and Captain Fleming seized him immediately. With prisoner in hand, they escorted Smith to the market house. The Sons of Liberty accused Smith of informing against Captain Peter Burn of the snow *Vigilant*. Royal authorities had charged Burn with smuggling. The justice dispensed by the Sons of Liberty was summary. According to Smith, "tho' they could find no Evidence against me they bound my hands, and tied me behind a Cart" like a felon led to execution.¹⁰

City officials did little to interfere with the proceedings. In fact, the Mayor,

¹⁰ William Smith to Jeremiah Morgan, 3 April 1766, *Fauquier Papers*, 3:1351-1352.

Smith's seizure by the same men who invested in his ship seems curious and opens the possibility that Gilchrist, the Phripps, Campbell and Fleming were conspirators in a smuggling operation. If Smith had turned in one smuggler, he would turn in others. These investors apparently felt the need to silence Smith. There must have been some advantage to damaging their investment in Smith's ship. It is interesting to speculate that the advantage was the protection of a larger more profitable smuggling operation.

Several historians have described the Norfolk Stamp Act affair including: Thomas M. Costa, "Economic Development and Political Authority: Norfolk, Virginia, Merchant Magistrates, 1736-1800" (Ph.D. diss., College of William and Mary, 1991), 127-134; Mary Ferrari, "Artisans of the South: A Comparative Study of Norfolk, Charleston and Alexandria, 1763-1780" (Ph.D. diss, College of William and Mary, 1992); and Thomas J. Wertenbaker, *Norfolk: Historic Southern Port* (Durham: Duke University Press, 1931), 52-54.

Maximilian Calvert, encouraged the gathering and joined in throwing stones as the crowd paraded to the wharf. Once at the wharf, they coated Smith with tar and feathers. The mob strapped the poor captain into the dunking stool and pelted him with rotten eggs and stones. Finally, they tired of dunking the man and “Carried me through every Street in the Town.” The parade ended with a return to the wharf. The crowd with their prisoner “came abreast of the Hornet Sloop of War.” As Jeremiah Morgan looked on, they hurled threats and insults at the ship, telling Morgan that if he came on shore they would treat him the same way. With drums beating and “all the principal Gentlemen in Town” looking on, John Lawrance ordered Smith thrown into the water. They bound the captain with a rope around his neck intending to see him drown. George Veale, a local magistrate, stepped in at this point and protested the attempt at murder. The crowd then loosened Smith’s bonds and threw him “headlong over the Wharf,” where a friendly boat took him up before he could drown and took him to sanctuary on board *H.M.S. Hornet*.¹¹

Captain Morgan assisted Smith as much as he could. He took his statement and forwarded it on, with his own observations, to Governor Fauquier. The Governor laid the case before the Council for advice. They ordered the King’s Attorney General to prosecute Norfolk rioters for their “inhuman Treatment of Capt. Smith.” Accordingly, seven men received indictments. Most likely they were the individuals listed in Smith’s

¹¹ *Ibid.*

Magistrate George Veal is the same Veal attacked two years later in the *Virginia Gazette* by Timothy Trimsharp’s satire on the Portsmouth Church scandal.

account of the event: Maximilian Calvert, James Campbell, Captain Fleming, John Gilchrist, John Lawrence, John Phripp, and Matthew Phripp. Though indicted, no one ever came to trial for tarring and feathering William Smith, despite pressure from the Board of Trade. They deemed the incident “a Scandal to Government, and the . . . Abettors of such Violence ought to be proceeded against with the utmost Severity of the Law.”¹²

Virginia’s government could not proceed against Stamp Act protesters with any “severity,” however. The protest was too widespread and even members of the Governor’s Council expressed sympathy for the protesters. What is more, the local community would not give up those indicted and the Governor did not believe his political strength sufficient to force the issue. In Norfolk, and other American communities, protest against imperial policy (the Stamp Act) combined with local concerns (protection of the smugglers in Norfolk) proved rallying points for the community. The anti-stamp proponents in town flexed their muscles. Sons of Liberty gathered ordinary citizens and used the Stamp Act along with a local offender, Captain Smith, to unify the community. And it is significant that William Smith was from Portsmouth, not Norfolk. By directing action against someone outside the community – not a Norfolk resident – the Sons of Liberty minimized the possibility that neighbors would defend Smith and split the loyalty of the community. When the enemy was

¹² Francis Fauquier to the Board of Trade, 8 October 1766 and The Board of Trade to Francis Fauquier, 22 July 1766, *Fauquier Papers* 3:1375 and 1388. I have not been able to locate the actual indictment.

external – that is, when the enemy did not divide loyalties within the community – the community could act swiftly and effectively against almost any threat.¹³

Morgan's experience with the town was an interesting one. He lived and socialized with the citizens, and he also received their threats. The Stamp Act riot and personal threats caused Morgan to see Norfolk as a nest of disloyalty. Eighteen months after the Stamp Act incident, Morgan and the *Hornet* were back at the wharf. Morgan needed seamen for his ship and had no intention of allowing the residents of Norfolk to impede His Majesty's Navy.

While in Virginia waters, Morgan lost several men to desertion. Knowing the reputation of the area, he resolved to look for them in the town of Norfolk. Apparently this was not the first time Morgan had searched for deserters in the town. On some previous occasions he had applied to the local constable, as was the custom. At least once, town officials "refused me the taking a Straggler out of their Town." On another, they gave him permission to search for deserters. But before he entered town they spread news of his arrival and delayed Morgan long enough for his deserters to make their escape. So on this September night the Captain did not bother informing officials of his intention. Actually, the search for deserters would later appear to be an excuse. Morgan found only one deserter that night. Town fathers charged that

¹³ Maier, *From Resistance to Revolution*, 51-112 and Morgan, *Stamp Act*, 125-186 analyze American resistance and violence protesting the Stamp Act.

Morgan's party was a press gang.¹⁴

American colonists contested the legality of press gangs. Eighteenth-century Americans claimed protection of a 1707 law prohibiting impressment on ship or shore in American waters. English authorities retorted that the law was no longer in force. A still earlier law of 1696 required a ship's captain to obtain a warrant from the provincial governor before landing a press gang. Captains generally ignored this requirement too. The legal ambiguity created tensions between Crown officials and colonists. British naval captains claimed and asserted impressment as a necessary and legal action. When they landed, crew fights and riots often broke out. Local authority seldom viewed citizens who stepped between sailors and the press gangs as rioters. Instead they were lawful defenders of the public welfare; the Royal sailors were the rioters.¹⁵

Impressment was not just a question of individual rights for Virginians. It was also an issue that centered on property. Slaves often worked in Virginia's shipping industries. Skilled slaves worked in the Norfolk area ship yards as shipwrights, carpenters, caulkers, blacksmiths, and sailmakers. They served as sailors, seamen, and pilots on board ships. Enslaved watermen enjoyed a high degree of mobility. Masters

¹⁴ Jeremiah Morgan to Francis Fauquier, 11 September 1767, *Fauquier Papers*, 3:1500-1502.

¹⁵ Maier, *From Resistance to Revolution*, 20; Gary B. Nash, *The Urban Crucible: The Northern Seaports and the Origins of the American Revolution* (Cambridge: Harvard University Press, 1976), 138; and Middleton, *Tobacco Coast*, 298-301.

constantly worried that their runaways would sign on with an outbound ship's captain and put distance between themselves and their enslavement. Bob, for example, ran away from William Trebell and eluded capture for more than eight years. He lived in Charleston, South Carolina, and in North Carolina before his capture. Despite warnings from Virginia masters, a ship's captain filling out his crew in a hurry did not worry about taking on a runaway slave. No doubt press gangs made little distinction either. Morgan did not have a warrant from Governor Fauquier on that September 5, 1767, evening. Then again, his stated purpose was not to impress mariners, but capture deserters.¹⁶

After dark that evening, the *Hornet's* tender "equiped with guns" shoved off. "Morgan, accompanied with several of his officers and about 30 seamen, came ashore at the publick wharf." Clearly expecting trouble, Morgan took precautions to protect himself and his men from any mob that might come after them. They tied up the tender so her swivel guns commanded the entire wharf. Morgan, with his officers and men, walked down the wharf to the nearest tavern for "a cheerful glass."¹⁷

About eleven, Morgan and his men left the tavern and "proceeded to that part of the town resorted to by seamen." The captain later claimed, on his "word and

¹⁶ Nicholls, "Aspects," 50-55, 80-82; Jeremiah Morgan to Francis Fauquier, 11 September 1767, *Fauquier Papers*, 3:1500-1502.

¹⁷ *Virginia Gazette*, ed. Purdie and Dixon, 1 October 1767, 2; Jeremiah Morgan to Francis Fauquier, 11 September 1767, *Fauquier Papers*, 3:1500-1502. Costa, "Economic Development," 135-139, also gives a recounting of the Norfolk impressment riot.

honour,” that the Royal Navy detachment did not go “within the door of any House but was either a Publick House or a Bawdy House nor was there a latch of a Door lifted nor a Man Struck by any man in my company whilst on that Duty.” Norfolk residents had another story.¹⁸

Mayor George Abyvon claimed Morgan’s men commanded inhabitants “to open their doors instantly” by using “oaths and threats.” Further, according to Abyvon, the detachment said they had “the Mayor’s warrant” and threatened to break down doors. “The poor intimidated people” opened their doors, and the sailors “rushed into their houses like so many tigers and wolves.” The Royal Navy “Jacks” seized “every man they met with.” Anyone resisting was “knocked down without ceremony.”¹⁹

Morgan’s sailors loaded the tender and delivered cargoes of men a couple of times before local authorities discovered what was underway. It was the night watchman who discovered the scene. Probably thinking that the *Hornet*’s sailors were drunk and fighting in the streets, he called out through the town, “A riot by man of war’s men, with Capt. Morgan at their head!” One city magistrate, Paul Loyal, scarcely took “time to put on his clothes” before he ran into the street. About fifty yards from his house, he confronted two sailors carrying large clubs dragging a third man along between them. Since common seamen seldom wore uniform clothing, it seems unlikely that Loyal immediately understood that the sailors were from a sloop of

¹⁸ *Ibid.*

¹⁹ *Virginia Gazette*, ed. Purdie and Dixon, 1 October 1767, 2.

war. Nor could he immediately determine that the scene was anything more than a local brawl. The magistrate stopped the sailors and demanded “what they were after”? The “poor prisoner at once replied that he was pressed.” Loyal, apparently a big strapping man, laid hold of both sailors by the collar and ordered “the prisoner to lay hold on one.” The impressed mariner “cheerfully” complied and in the struggle Loyal and the sailor “turned the tables on [the] poor Jacks.” Magistrate and the freed seaman conducted the two royal sailors to the gaol.²⁰

Now that he understood press gangs were about in the town Loyal headed toward the wharf “accompanied by about 6 men.” As he approached the wharf, Loyal found Captain Morgan under a tree “surrounded by 8 or 10 armed men.” Loyal instructed the townsmen with him to stand where they were. He approached the Captain alone. The magistrate stepped forward and “in a very mild genteel manner” asked Captain Morgan “the reason of disturbing the inhabitants.” Morgan’s response was instantly hostile. He informed the magistrate that if “he stirred one foot he would be through his body by G-d, and presented a drawn sword to his throat.” Loyal responded that he was unarmed and posed no threat, but Captain Morgan continued his oaths and made several threatening passes with his sword.²¹

Captain Morgan remembered the situation differently. Morgan claimed the whole town – “Whites & Blacks all arm’d” – came down on him. He “endeavoured to

²⁰ *Ibid.*

²¹ *Ibid.*

cover my people & made my retreat to my Tender Sword in Hand.” Retreating down the wharf calling “Hornets!” Morgan signaled his men to follow. The mob pursued. As Morgan and his men boarded the tender, they pointed her guns down the wharf.²²

It was about this time that Mayor George Abyvon arrived on the wharf followed by more of the town’s residents. He “made himself known to Captain Morgan, and in his Majesty’s name commanded the peace.” Morgan’s terse and angry response “damned” the mayor “and every man in Norfolk.” Then Paul Loyal and Maximilian Calvert (“two noted Rioters” according to Morgan) called for the mob to board the tender. The Captain, “on board my Tender and under a pendant” could not “suffer any Man Onboard but such as I thought proper.”²³

It was then that the *Hornet*’s captain called on his crew to fire the tender’s swivel guns. Confused, and probably reluctant to fire on the colonials, his sailors did not obey immediately. Again Morgan barked out his orders, “Fire, fire, G-d damn you, fire!” The gunners blew on their slow match getting a glow hot enough to light the swivel gun’s touch hole. As they prepared, magistrate Loyal asked one of them “if he was so mad as to obey his Captain’s orders.” He pointed out that even if the sailor fired, there were still enough men on the wharf to rush and take the tender. Loyal threatened the sailor, telling him that if he fired “he would not survive a moment

²² *Virginia Gazette*, ed. Purdie and Dixon, 1 October 1767, 2; Jeremiah Morgan to Francis Fauquier, 11 September 1767, *Fauquier Papers*, 3:1500-1502.

²³ *Ibid.*

afterwards.” Fortunately for everyone involved, the sailor “had the prudence not to fire.” The pause was just long enough for cooler heads to prevail. A *Hornet*’s junior officer treated with the mayor. In a quick negotiation, they agreed that the tender could leave with Captain Morgan aboard.²⁴

Mr. Hicks, the *Hornet*’s lieutenant, remained on the wharf and helped calm the crowd. According to Abyvon, it was Hicks’ genteel behavior that helped negotiate a settlement. The *Hornet* agreed to release the men they had impressed in Norfolk that night. Hicks then requested “leave to take up the Seamen that had Deserted the Merchant service.” The Mayor asserted that the crew of the *Hornet* could only take their own deserters, not men from any other ship. To insure compliance, Abyvon insisted the naval officers bring every man taken before him “to know whither they belongd to [the *Hornet*] or not.” During the disturbance, the town had captured about ten of the *Hornet*’s men and lodged them in the public gaol. As part of the agreement, Abyvon agreed to discharge the town’s prisoners Monday.²⁵

As promised, Abyvon released the ten captured crewmen of *Hornet* Monday, September 7, but the town had not finished with their nemesis Captain Jeremiah Morgan. The populace gathered at the courthouse where they “tryd & Condemn’d” the Royal Navy Captain in absentia. Morgan seemed to think this was a meeting of the local magistrates, but no record of the proceedings appears in the court’s journals.

²⁴ *Ibid.*

²⁵ *Ibid.*

More likely, the September 7 court was an extralegal session conducted by the Sons of Liberty. Paul Loyal acted as prosecuting attorney. The session involved nearly everyone in the town, from every social rank. Morgan heard it was “a very high diversion with the poor Whores & Rogues.” Loyal paraded out deserted mariners and “Smugglers I [Morgan] have made Seizures from” before the court. In their testimony these individuals swore “backwards and forewards but all against” the *Hornet’s* captain. The court “outlawed” the captain in Norfolk and issued a “Bench Warrant” for Morgan’s arrest.²⁶

Outraged, Morgan charged that the citizens of Norfolk were disloyal and rebellious. “I am credibly informed that there has not been a Mayor nor Alderman in Norfolk that ever took the Oaths of Alligence and Supremacy.” As far as Morgan cared they had no “right to send a Man to Gaoll or claim any privelege from their Charter if they have a Charter.” The *Hornet’s* captain felt certain Norfolk would file a complaint against him with the Admiralty. He solicited Fauquier’s assistance on the off chance “my Lords Commissioners of the Admiralty should think proper to order me to stand tryal upon that Affair.”²⁷

Tuesday, September 8, Morgan assembled his men aboard ship. After reading the Articles of War, the single deserter gleaned from the streets of Norfolk received his

²⁶ Jeremiah Morgan to Francis Fauquier, 11 September 1767, *Fauquier Papers*, 3:1500-1502.

²⁷ *Ibid.*

punishment. Joseph Hox received “two dozen Lashes for Drunkenness, Mutiney and Desertion.” Two other sailors also received punishments. Bard Wilmott and William Cokollan stood convicted of stealing during the confusion of the Norfolk sortie. For their offense they ran the “Gauntlet.” Shipboard justice dispensed, Morgan turned his attention to Norfolk. In a terse letter the captain offered “Compliments to the Mayor and Corporation of Norfolk.” He expressed thanks “for the ill treatment they give his people as it will teach his Men to stick by their Officers when ever they go upon duty again.” Morgan still rankled at the Sons of Liberty court verdict, but he brushed it off with sarcasm. They had no need to outlaw him. “The many Attempts made upon his life by several of the Gentlemen of Norfolk” had driven him from Norfolk some time ago. If the gentlemen of Norfolk wanted satisfaction they could prosecute him before the Governor and Council. With confidence Morgan declared that Virginia’s royal government “have always supported him in his Duty.” Norfolk on the other hand “always oposed him.” With his parting salvo delivered, Morgan weighed anchor and removed himself to Hampton, Virginia.²⁸

The city of Norfolk rallied on that September night. Morgan’s press gang united Norfolk residents behind a single cause. Residents defended their city against an enemy: Jeremiah Morgan. He was a fitting subject, given previous experience in the area and the fact that some in Norfolk already expressed interest in doing him harm.

²⁸ Jeremiah Morgan to the Mayor and Corporation of Norfolk, 7 September 1767, *Fauquier Papers*, 3:1503.

When he came at the head of a press gang, Norfolk residents vilified him again.

Impressment was a long standing point of contention with imperial policy. Colonists in seaports up and down the coast protested. When there seemed no other recourse, they made their protest with mob action to protect communities against Royal Naval officers trying to fill out their ship's complement. The Norfolk community could pull together against a common enemy and defend itself. Magistrates, mayor and common sailors banded together that September night. Defending the town against this kind of external threat was one thing. While they rallied to meet Morgan's external threat, two years later alliances within the town fractured over another issue, smallpox inoculation.²⁹

During the winter of 1768, smallpox returned to Virginia. Several epidemics had run through the colony at mid-century, and as the infection made a reappearance, Virginians made every effort to contain the disease. Some considered this most recent outbreak the result of the growing practice of inoculation. The disease appeared in Williamsburg that January. A few people speculated that "The too speedy return of some of Mr. Smith's patients from inoculation" as the cause. Smallpox in the capital city was a particular concern. With the spring session of the General Court nearing, Virginians arrived in Williamsburg from across the colony. Without prudent preventive measures, the disease would spread throughout the colony. For that reason Mayor James Cocke and the city's Common Council took great pains to describe for

²⁹ Maier, *From Resistance to Revolution*, 6-7, 9-12 and 20.

the public the steps taken under their direction for containing the disease.³⁰

Williamsburg aldermen invoked a 1747 ordinance requiring transportation of smallpox victims to sick houses set up by the city. It did not make any difference whether the disease was the result of inoculation or “natural” infection. Any resident who kept a smallpox victim in his own house was liable for a fine of two pounds current money and one pound “for each day every such person shall be and continue in the house of such inhabitant or freeholder.” By the end of January there were three patients confined in two sick-houses on the outskirts of town. At Dudley Digges’s, his eldest son suffered the disease. Two others – “Mr. James Marshall of the college and a Mulatto man” owned by the college – found confinement at Robert Anderson’s house. The Corporation provided “a physician regularly attending them, good nurses, and every thing else proper for persons in that condition.” City guards were also on “constant duty, to keep off idle and imprudent people.” Cocke was confident. “There is great room to hope the further progress of the infection may be prevented, and that from the speedy recovery of the present patients it may be entirely eradicated.”³¹

These measures by city leaders were prudent. Two victims, Digges and the mulatto man, died before the end of the month. James Marshall had nearly recovered by the first week of February. The city continued enforcing its quarantine for another

³⁰ *Virginia Gazette*, ed. Purdie and Dixon, 21 January 1768, 3.

³¹ *Virginia Gazette*, ed. Purdie and Dixon, 21 January 1768, 3 and 28 January 1768, 2.

week. Then on February 11 officials informed the public “with pleasure” that the smallpox was “entirely eradicated.” Under the inspection of the magistrates, they cleansed “the houses where the infected were.” Finally, magistrates oversaw destruction of all “the clothes, and other things, in which any infection might possibly remain.”³² Williamsburg’s leaders showed how to manage a smallpox crisis effectively. With calm heads and calculated measures they stepped forward, acted for the public good, and with an assurance that gained the confidence of the populace managed the crisis. The leaders and populace of Norfolk were far less fortunate.

A smallpox epidemic had devastated Norfolk in 1752. Since the “fatal 52” the city had taken action to prevent recurrence. It was a particular problem in Norfolk “by vessels bringing it from the West Indies and elsewhere.” Speculation on preventive measures included inoculation, but the town divided over its application. The success of inoculation had “reached the ears of almost every one.” Many considered it the most prudent measure “not only for the preservation of the lives of fellow creatures, but also to serve the community.” The cost of inoculation, however, did not provide for the entire population and Norfolk citizens complained about the “mercenary view” held by local physicians. Profit was “to the disgrace of the profession, we are sorry to say . . . the chief motive” for undertaking the inoculation of the city.³³

³² *Ibid.*

³³ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768, Postscript, 1-2.

Cost was a significant issue. There was a great deal of lingering resentment among “the poor inhabitants” over past doctor bills. After the 1752 epidemic the poor struggled to pay attending physicians. The parish paid out “upwards of £800” for care of the sick. Inoculating the entire town seemed prohibitive. “The number to be inoculated, at the Doctor’s price; would cost more money than is circulating in Norfolk; the doctors and nurses would only be benefited; the trade and commerce of the place ruined; in short, its conexions are so extensive that the whole colony would feel the effects, and many poor labourers” would find themselves completely ruined.³⁴

The city took other practical steps. By subscription, it constructed a pest house on the outskirts of town in 1765. When someone “arrived from sea with that complaint, or should be seized at any time with it in and about the town,” officials transported him to the hospital and quarantine. Administration of the house fell under the direction of the town mayor and aldermen. For some time the pest house proved effective. Over the three years (1765-1768) “numbers have been . . . brought in at different times (chiefly Negroes) with the smallpox, several have been taken in town, all have been removed to this house, where they have remained until sufficiently free from infection, and no bad consequences ensued, owing to the extreme care of the directors.” Throughout town “The good and happy effects have been, peace and

³⁴ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768, Postscript, 1-2 and *Virginia Gazette*, ed. Rind, 1 September 1768, 2.

quietness of mind.”³⁵

Problems began in June 1767 when local physician Doctor John Dalgleish inoculated his apprentice, Robert Bell, without asking permission from city leaders. That June a traveler who “walked the streets in Norfolk . . . for several days” was diagnosed with the disease. Doctors sent the patient to the pest house. Robert Bell had often asked Dalgleish to perform the inoculation on him. Once protected from the disease Bell could visit Dalgleish’s patients in the pest house and gain the experience of treating smallpox cases. Since there was one case in the pest house, Dalgleish felt it an appropriate time to grant his apprentice’s request. When Dalgleish sent his infected apprentice to the pest house, the city discovered the inoculation.³⁶

³⁵ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768, Postscript, 1-2.

³⁶ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768, Postscript, 1-2; and 20 October 1768, 2. Dalgleish advertised his qualifications to perform inoculations in the pages of the *Virginia Gazette*, ed. Purdie and Dixon, 14 April 1768, 1.

For an overview of the smallpox in Virginia see Wyndham B. Blanton, *Medicine in Virginia in the Eighteenth Century* (Richmond: Garrett & Massie, 1931), 60-66 and 284-288; Susan Pryor, “Smallpox in the 18th Century” (Colonial Williamsburg Foundation Research Report, 1984).

Several historians have described the Norfolk Smallpox riots. They include: Thomas C. Parramore with Peter C. Stewart and Tommy L. Bogger, *Norfolk: the First Four Centuries* (Charlottesville: University Press of Virginia, 1994), 80-85; Adele, Hast, *Loyalism in Revolutionary Virginia: The Norfolk Area and Eastern Shore* (Ann Arbor: UMI Research Press, 1979), 11-13; Patrick Henderson, “Smallpox and Patriotism: The Norfolk Riots, 1768-1769,” *Virginia Magazine of History and Biography*, 73(October, 1965): 413-424; Keith Mason, “A Loyalist’s Journey: James Parker’s Response to the Revolutionary Crisis,” *Virginia Magazine of History and Biography*, 102 (April 1994): 150-158; Frank L. Dewey, “Thomas Jefferson’s Law Practice: The Norfolk Anti-Inoculation Riots,” *Virginia Magazine of History and Biography*, 91 (January 1983): 39-53; John Watterson, “Poetic Justice; or, an Ill-fated Epic by Thomas Burke,” *The North Carolina Historical Review*, 55 (July 1978): 339-

City fathers reacted angrily. The doctor performed the inoculation without first receiving their permission. More, they expressed consternation that Dalglish used the pest house in his private practice. Not only was the doctor defying the town leadership, by using the pest house he defied them at the public's expense. Feelings ran so strongly against the doctor among the city council members that they considered punitive legal action. Mayor George Abyvon consulted an "eminent Gentleman of the Law in Williamsburg" who informed them that Dalglish could be "sued in an action of trespass."³⁷

Dalglish maintained that the inoculation had not been secretive. He claimed to have informed several gentlemen and thought he had gained permission. "If the Captain of a vessel indeed had applied to me about his crew, or a cargo of slaves, . . . I should have applied in a more general and ceremonious manner," he stated. As a subscriber helping to fund the pest house construction, Dalglish maintained that he did not need that kind of approval. Though apologetic for the trouble the incident had caused, the doctor did not believe he had acted improperly. Paul Loyal, a pest house director, managed to convince the mayor and aldermen that a lawsuit was unnecessary, and the situation quieted.³⁸

346; Ferrari, "Artisans of the South," 144-157.

³⁷ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768, Postscript, 1-2; and 20 October 1768, 2.

³⁸ *Ibid.*

In February, 1768 Doctor Dalglish again quietly prepared for inoculations. This time, not counting on support from city leadership, he negotiated a lease for “a house very near the town.” Dalglish selected the house carefully; it was near the town, permitting him to conveniently treat his patients, but it was a secluded location. The dwelling already had a reputation as a safe house. Former Mayor Maximilian Calvert sequestered himself and his family here during the 1752 epidemic and remained protected. Dalglish had no doubt it would work in reverse and protect the town from inoculated patients.³⁹

Then word of his plan leaked. “Every one was much surprized he should do so, and at first doubted the truth of it.” Before long, however, the property owner with whom Dalglish had been negotiating stepped forward and confirmed the rumors. The landlord received “arguments and threats” from the “people of Norfolk.” Frightened, the landlord “readily broke off his agreement” with Dalglish. The doctor acquiesced and aborted his inoculation plans. He hoped “that at another time and place it might be carried on with general approbation.” With the inoculations seemingly prevented “the peoples minds for some little time were again quieted.”⁴⁰

In March rumors again circulated about inoculation. This time a report surfaced that Doctor Archibald Campbell had arranged “to have some of his family and others of his friends, inoculated by Mr. John Dalglish.” Actually it was Campbell who first

³⁹ *Ibid.*

⁴⁰ *Ibid.*

decided to have his family inoculated. Cornelius Calvert and “several other Gentlemen and Ladies” requested inoculation for their families also. Campbell agreed to complete all the inoculations at the same time and place. Campbell fitted up a plantation house he owned three miles outside town at Tanner’s Creek as a hospital. “The adjacent inhabitants became very uneasy, and soon after the whole neighbourhood and people of Norfolk were much disturbed in their minds.” As the “general clamour . . . daily increased,” Campbell and Dalgleish found themselves the object of “severe threats.” Norfolk residents assembled frequently to consider the situation. Some argued for rash action, “others were for mild methods first.” Anti-inoculators made several attempts “to put a stop to it, but all to no purpose.”⁴¹

The populace’s belligerence on the inoculation issue alarmed several town leaders. After the event, several gentlemen stood accused of inciting the town’s people. Samuel Boush was one, but he saw the situation quite differently. “People . . . were sufficiently alarmed.” He and other gentlemen did not write “incendiary letters,” nor did they “prejudice the minds of the people.” Instead, that portion of Norfolk’s leadership that opposed the inoculations did so because it created an unnecessary tension in the city. The incidence of the disease had not increased above the occasional case from on board an incoming ship. There was no need for the inoculations, especially as the prospect frightened so many town’s people. That is precisely what Boush and another gentleman told Doctor Campbell and Cornelius Calvert. Campbell

⁴¹ *Ibid.*

informed them that he would go ahead with the inoculation. He did not want to cause uneasiness in the community, however, and pledged to inoculate only his family and a few friends at his home. Boush replied he was glad to hear these reassuring words because without some compromise offered the public, “Dr. Campbell’s house would have been destroyed this night.” He further suggested that the populace would have been within their rights, and he would have helped pay the damages owed to Campbell.⁴²

Campbell’s house was not “pulled down” that night, but neither did community concern quiet. Instead, discontent increased. “The poor people in that neighbourhood” of Tanner’s Creek (where Campbell and Dalgleish proposed to place the infected after inoculation) expressed the most concern. “Filled with fear and rage,” Tanner Creek residents “came into town to represent their case, and prayed for assistance.” The county magistrates met and considered their complaint, but there was no legal precedent for proceeding against the inoculators. With the law “silent in the matter” the magistrates could do little but add their “dissent and disapprobation” to the voice of the people. It did not satisfy the populace. The people of Tanner’s Creek stayed in town the rest of that day. With some others of the town of Norfolk, they spent their time deliberating and drinking.⁴³

⁴² *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2 and 1 September 1768, 2.

⁴³ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768, Postscript, 1-2 and *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2.

That evening “they assembled in a large body and went to Doctor Campbell’s plantation” at Tanner’s Creek. Campbell and some of his friends were there making plans to begin the inoculation the next day. The mob “accosted” Campbell “upon the subject,” but only received “evasive answers.” Campbell told the crowd, “they were fools and were set on by others.” He instructed them “to go home quietly, as they were in no danger” from inoculation or the smallpox. “The people had more spirit than to be amused in this manner.” As the gathering grew, supplemented “with several from town,” the crowd felt “themselves much trifled with.” They again approached Campbell and “demanded, in a more preemptory manner, if he was determined to inoculate in that house.”⁴⁴

Campbell took the threats against him, his family, and house seriously. Determined that the house would not be “pulled down” around him, Campbell arranged for assistance. He sent for “about twenty slaves from the rope work, equipped with weapons, accompanied with large bull dogs.” The “foreman of the ropery” served as “their leader.” Campbell concealed the men to await his orders. As the evening wore on “a number of the Doctor’s friends” reinforced the rope walk guard. When the mob outside his house grew restless, Campbell’s “Blackguard Allies” were “drawn out to contend with freemen and fellow citizens.” Insults and threats shot back and forth between the mob and Campbell’s guard. “Mr. James Parker, one of the inoculators, told them he would have his flesh torn with pincers before he would desist from his

⁴⁴ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768 Postscript, 1-2.

intention.” The crowd would have likely complied with his request if not for the intercession of Doctor Campbell and Colonel John Willoughby. “Apprehensive of the consequences” – should the scene proceed much farther – Campbell “agreed [to] do nothing in the matter until there was a meeting of the inhabitants in town.” An agreement struck, “people . . . quietly went home.”⁴⁵

The next day, Campbell went into Norfolk and waited at his town house for the beginning of the conference. Paul Loyal visited Campbell and “proposed a meeting of six or seven on each side” of the issue at Mrs. Ross’s Tavern. Campbell agreed. Samuel Boush, Paul Loyal, Maximilian Calvert, George Abyvon, Doctor Ramsay, and Doctor Taylor formed the “anti-inoculators.” Cornelius Calvert, Archibald Campbell, James Archdeacon, James Parker, Lewis Hansford, and Neil Jamieson spoke for those in favor of inoculation. Apparently all the gentlemen agreed that inoculation was useful. The opposition focused on the popular concerns. Inoculation frightened common citizens, who feared inoculation would spark an epidemic. The “anti-inoculators” did not believe they could keep the community quiet. Campbell persisted,

⁴⁵ *Virginia Gazette*, ed. Purdie and Dixon, 8 September 1768, Postscript, 1-2 and *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2.

It is noteworthy that the Norfolk Sons of Liberty split on the issue of inoculation. Of the anti-inoculators at this conference, Samuel Boush, Paul Loyal and Maximilian Calvert were Sons of Liberty. On the other side of the table Cornelius Calvert, Archibald Campbell, James Parker and William Aitchison – loyal Sons of Liberty – argued for inoculation. Two other “Sons” would later declare themselves in the fray. John Gilchrist supported inoculation. Joseph Calvert would become one of the most vehement anti-inoculators.

however, convinced that inoculation was the only way to protect his family. Given his resolve, the town doctors agreed to conduct the vaccination jointly. Working together they could limit the exposure of the populace to this one location and quell concerns. Again, Campbell offered his house for a general inoculation, but there were too many objections. It was “too near town, and in a very populous neighbourhood.” Besides, Campbell’s house had become the symbol of local concerns and frustrations.⁴⁶

The group finally agreed that inoculations could proceed if they found a location suitable to the populace. It would take all the town’s leadership to pacify the community. Consequently, they delayed the inoculations until the end of the General Court session in Williamsburg. After all of Norfolk’s principal gentlemen returned to town, it would be easier to fend off any potential disturbance. They pledged “all parties should in the meantime make use of their influence to remove the peoples prejudices.” In the interim, they would search for another, more acceptable location for sequestering the inoculated. Over the next several days, however, it seemed that the “anti-inoculators” were dead set against the project. Every proposal for a different location met with complaints. In the end, they could not find an acceptable site.⁴⁷

Some in the community, despite the efforts of their leaders to keep things calm, continued expressing their concerns. On June 23 “a few of them came to town to remonstrate against inoculation, and that day the doors and windows of Dr. Campbell’s

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

house on his [Tanner Creek] plantation were pulled down and destroyed.” Campbell and his friends continued in their resolve despite all the opposition. On June 24 Cornelius Calvert, who favored the inoculation scheme, was elected mayor of Norfolk. In a private conversation Doctor Archibald Campbell and James Parker obtained his consent. The next day, they took their children to Campbell’s Tanner Creek plantation where Doctor Dalgleish inoculated them. Later that day a few more individuals received the inoculation. The public discovered their actions when Cornelius Calvert had signs “put up on the road” leading to Campbell’s Tanner Creek plantation. The notices forbid “those who were not concerned to go upon the plantation,” and promised “that all due care should be taken to prevent the infection from spreading.” Calvert sent the same notification into Norfolk.⁴⁸

With Tanner Creek locals alerted, and the citizens of Norfolk also expressing concerns, leaders gathered to determine their next course of action. With concerns heightening in the community, the inoculators decided to move their patients to the pest house. Since it was “a considerable distance from the poor people of Tanner’s Creek,” the inoculators hoped their action would alleviate neighborhood concerns. They made plans to move the patients in the next three or four days. It would take that long to make the pest house ready for the patients. Apparently the news quieted the situation, but residents became alarmed again the next day. Sunday, June 26, someone observed “a number of beds, &c. carried to Doctor Campbell’s plantation.” Rumors went out

⁴⁸ *Ibid.*

that “more children were to follow.”⁴⁹

Campbell again stepped forward that morning and “positively agreed that no one person more than what was at the house at that hour should be inoculated.” He went to the house of Paul Loyal and requested help. He asked that Loyal go with him to Tanner’s Creek and make “a list of those then in the house.” Loyal’s count would insure Campbell kept his word. Loyal was hesitant to become involved. His “family were pretty well out of danger of it; Mrs. Loyal and myself both having had it, and several of my servants.” Associating himself with Campbell could only bring the public sentiment down on him also. Finally “on being greatly intreated” Loyal “at last consented to go.” Loyal recorded twenty-six persons, though anti-inoculators contested that count. At that time most but not all of the patients had received the vaccination. Most were women and children, but the list included six blacks among the patients. A “great number of people assembled near the house in order to force them to remove to the Pest House.” Loyal took “great pains to convince those people that the smallpox would be removed out of their neighbourhood” and he offered himself as “security for that purpose.” The crowd dispersed, “seemingly satisfied” and Loyal returned to town.⁵⁰

⁴⁹ *Ibid.*

⁵⁰ The following account of the June 27 riot is compiled from the *Virginia Gazette*, ed. Purdie and Dixon, 1 September 1768, 2; 8 September 1768, Postscript, 1-2; and *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2.

At this point, "every thing seemed once more to be amicably adjusted; the patients were to remain at Dr. Campbell's plantation, undisturbed, until the Pest-House was fitted up, and the necessary orders were given for that purpose." Then more rumors began circulating. Another "Gentleman in town" asked Doctor Archibald Campbell to inoculate his children also. "The Doctor agreed, without hesitation." Monday, June 27 Lewis Hansford refused to have his children removed from Campbell's plantation house. When word reached the public that Campbell had inoculated more children after agreeing to cease the vaccinations, and that Hansford would not move his children, a crowd of people marched out of town toward Tanner's Creek. At Campbell's plantation they were "joined by a number of country people." At 3:00 p.m. Paul Loyal received a message of the disturbance and then almost immediately heard a drum beating to arouse the populace. Once in the street, Loyal found Doctor Campbell who entreated his assistance out at Tanner's Creek. As Campbell rode out of town, Loyal ordered his horse saddled.

Before Campbell could make it out of town, Joseph Calvert, angry that the inoculations had taken place, accosted him. The two men went at each other with blows apparently. Someone went to fetch the magistrates. They reported that there "was a battle between Doctor Archibald Campbell and Joseph Calvert, and that the Doctor was almost murdered upon the high street." The altercation was not quite that serious. Before the magistrates arrived, the battle ended. Calvert left town and Campbell "retired to his own house" in town. It seems strange that he did not

immediately go to Tanner's Creek and protect his children and property. Maybe Calvert injured Campbell in their battle, but for whatever reason the doctor did not go back to his Tanner's Creek plantation that night.

Joseph Calvert's evening had just begun. After the event some charged that he was the principal instigator of the evening's events. Earlier in the day observers recalled that Calvert was "uncommonly busy among the people." When someone asked his intentions, he "declared that he would that night drive the inoculated persons from Dr. Campbell's plantation or die in the attempt." During the afternoon Joseph Calvert paraded through town "with a drum and flag, and soon enlisted a considerable number fit for his enterprize." Apparently some citizens entreated several magistrates "to quell the riot in the beginning" but they would not interfere.

By the time Loyal arrived at Tanner's Creek (between four and five that afternoon) a crowd had gathered down the road from Campbell's plantation house. A beating drum alarmed occupants of the house. When Loyal arrived at the smallpox house, he found several "Gentlemen concerned in the inoculation" along with Mrs. Campbell. He informed them that the "affair was now become very serious." He did not tell Mrs. Campbell about the battle between her husband and Joseph Calvert fearing "it might make her uneasy." She had reason enough to be uneasy.

The gentlemen at the house grilled Loyal with questions. Why had he not "commanded the peace and exerted his authority to quell the riot at the beginning?" Was this mob "countenanced by magistrates?" Loyal reminded them that "if people

could not carry their point in one way they would another.” The inoculators brought on the crisis. They insisted on their course of action despite community concerns. Not far off “a great number of people assembled” insisting on the removal of the patients to the pest house. Loyal gained the permission from the gentlemen to remove the patients. Though Lewis Hansford was not there, the others agreed to move all the patients. Earlier Hansford had vehemently refused any attempt to move his children, but given the current situation there seemed no choice. The gentlemen prevailed on Loyal to speak with the crowd. Loyal was apprehensive. He finally acquiesced after William Aitchison agreed to go with him. So with Aitchison “full as much affrighted as myself,” Loyal rode off down the road to meet the crowd that had grown to about two hundred.

Loyal informed the crowd of the agreement. The inoculators would close Campbell’s hospital and send their patients to the pest house. He requested that the crowd allow the patients to remain where they were until the next day. The pest house was not ready to receive twenty-six patients. They needed time to outfit the facility. The crowd would have none of that. They answered that waiting until the next day only gave more time for the inoculation to take effect and “the infection to break out.” The mob knew that once patients began exhibiting the smallpox blisters they could not be moved safely. They felt the delay was only a ruse to keep the patients at Tanner’s Creek. The mob wanted the inoculated moved immediately.⁵¹

⁵¹ *Virginia Gazette*, ed. Purdie and Dixon, 1 September 1768, 2.

As Loyal and Aitchison returned to the house, the mob followed. It alarmed the “few Gentlemen,” ladies and children as they watched the scene. “The Gentlemen determined to defend their charge, or perish in the attempt.” When Loyal reentered the house at least one lady was very overwrought. “With tears streaming from her eyes and her infant by her side,” she told Loyal, “the sight of a mob in arms, and many of them in liquor, was dreadful.” She asked “in the most submissive manner . . . what they intended next.” Loyal responded, “Only to be satisfied, from your own mouths, what you intend to do.” He “advised the Gentlemen, as a friend, that . . . they should put their arms out of the way” afraid “the mob should be irritated by the sight of them.” The gentlemen complied, after Loyal declared “on his word and honour . . . that if this was done no injury nor insult should be offered to any of them.”⁵²

It was then that the mob advanced with Joseph Calvert leading, behind him a drum and flag. He drew up the crowd and formed a ring around the front of the house. Calvert then drew out the “list of the persons inoculated” that Loyal had compiled the previous day. As he called the roll, “in a most insulting manner,” the inoculated ladies and children passed “within his ring.” The roll call completed, he ordered the patients back into the house. Calvert then turned to the mob and addressed them. “Gentlemen, we are insulted, we are abused; what is to be done? Let every man speak for himself: For my part, I say they ought to be turned out immediately, what say ye?” From the

⁵² *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2.

crowd rose the cry, "Out! out! d--n them, out!"⁵³

The inoculators tried to negotiate again, hoping that they could at least wait until the next morning to transport the patients to the pest house. Their pleas went unheard.

Joseph Calvert entered the house "with a sword in one hand and a pistol in the other" followed by "many of the mob." As Calvert "flourished" his weapons "over the Ladies heads" he ordered them out of the house. One woman "with a suckling infant in her arms; supplicated one of them [the mob] in the most earnest manner, to kill her instantly on the spot, that she might not be a witness to the murder of her children." She found herself unceremoniously "thrust out of the house." They cleared patients from the house, "many of them being drove, and pushed about, with amazing barbarity."⁵⁴

It was seven o'clock and the inoculated patients paraded down the road, setting out on the five-mile journey to the pest house. As they departed, a thunder storm began pelting the procession with rain. The gentlemen scrambled to gather transportation for the patients, but the mob continued driving the infected on their journey. "Elated with their exploits and success" the mob fired guns over the heads of the procession. The people seemed to have little concern for the "persons of character, by whom numbers of them had been benefitted, walking with a tender infant in each hand while the thunder and lightning made even the horses tremble, start, and stop dismayed." As the

⁵³ *Ibid.*

⁵⁴ *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2.

rain continued, the mob began to disperse, but the patients continued their trek to the pest house. They straggled into the haven between eleven and twelve o'clock that night "with not one dry thread about them."⁵⁵

Arriving at the pest house, it became obvious why the gentlemen had appealed for a couple of days to prepare the facility. A ship load of imported Africans "infected with the small-pox, flux, cracraws, and other African diseases" had been the last occupants. "Three such Negroes and two nurses" still remained in the house. The lack of furnishings and supplies provided for these occupants offended the sensibilities of the genteel whites. The floor was "covered with filth" and there was no "fire, candles, nor any sort of refreshment." As they left Campbell's house, they dispatched messengers to town for dry clothes and supplies, but these had not arrived. Drying the party out required they "strip the children naked, and some of the Ladies thought a Negro's oznabrig petticoat a most valuable acquisition." Though shivering with cold, doctors insisted on opening every door and window to clear the "putrid steams with which the house was then filled." Naked and shivering in the pest house a number of the elite of Norfolk must have known that the night had revealed more than the rude physical form of genteel children and ladies. The whole night – mob action, forced march of the inoculated, and the ordeal of the pest house – exposed the tenuous nature of the gentry facade. Angry Norfolk commoners had denuded many of the town's elite in a graphic

⁵⁵ *Ibid.*

demonstration popular will.⁵⁶

The crowd that evicted the patients from Tanner's Creek had drifted away during the thunder storm, but they reassembled in Norfolk. They processed through the town "exulting at their success, and shouting abundantly." The town magistrates tried continually to quiet the crowd. The mob sent parties "to break the windows of some Gentlemen, at whom they had been pleased to take offence." By daybreak the crisis had subsided. Inoculated patients, left alone at the pest house, received the remainder of their treatment. On August 6 patients returned to their homes.⁵⁷

In subsequent months, the gentlemen of town hurled accusations and insults back and forth at each other in the press. One cavalier even immortalized the event in verse. The poem chastised the Norfolk populace as "Unfeeling monster!" for letting loose their rage against "sickening females." The inoculators were heroes who saved the women and children. Dalglish's "pious hands each healing draught prepare." "Intrepid Campbell!" faced down the mob despite the pistols leveled at his breast. But, despite each gentleman's extolled fame or assigned derisive qualities, it was the anti-inoculators and the mob who were the winners.⁵⁸

⁵⁶ *Ibid.*

⁵⁷ *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2 and *Virginia Gazette*, ed. Purdie and Dixon, 1 September 1768, 2.

⁵⁸ "On the Recovery of some Ladies in Norfolk from the Smallpox. Addressed to Mrs. Aitchison," *Virginia Gazette*, ed. Purdie and Dixon, 29 September 1768, 1.

Norfolk residents accepted their leaders. They recognized that the position of magistrates, mayors, and aldermen was to provide for the safety and well being of all the town's residents and interests. This was not unqualified deference. When leadership acted in their defense (as in the impressment incident), inhabitants stood behind their leadership. If city leaders proved inadequate, allegiances shifted. When leaders did not stop inoculators, anti-inoculators shifted allegiances to Joseph Calvert and set about "putting things right" in the community. The message of anti-inoculation constituents to Norfolk's leaders was not ambiguous.

Someone confirmed the message on August 29. Sometime after nine o'clock, Archibald Campbell's Tanner's Creek plantation house was "burnt down to the ground." Norfolk county leaders tried discovering the "malicious person, or persons" but met with no success. In frustration "many of the Principal Inhabitants of Norfolk" applied to His Majesty's provincial Council for assistance. In a September 7 proclamation, the Governor offered a reward of fifty pounds "for the apprehending and securing the person or persons concerned in the said atrocious crime." It included a pardon "to any person concerned in the same, who did not actually set fire to the said house, who shall make a full discovery of the principal actors therein." Archibald Campbell offered "farther encouragement" adding a one hundred pound reward on the conviction of the criminals. The rewards did not serve their purpose. People in Norfolk resolutely refused to provide any information that might assist the inoculators. They effectively shielded perpetrators from the consequences of their criminal actions.

They shut down the communication lines that fed local knowledge. The court never charged or convicted any individual for the arson.⁵⁹

The issue of inoculation continued to fracture the community. City magistrates called Joseph Calvert before them accused as “a ringleader of mobs, and a disturber of the peace.” The culprit simply refused to appear or acknowledge the warrant against him. When the constable attempted to serve the warrant, Joseph Calvert informed him that the magistrate who issued it (undoubtedly one of the inoculators) was a scoundrel. Then he threatened the constable with a drubbing. It scared the constable well enough that he refused to attempt serving the warrant another time.⁶⁰ A magistrate’s authority was only as effective as his ability to enforce it. After the smallpox incident, community sentiment did not favor the magistrates strongly enough to enforce sanctions against Calvert.

The King’s Attorney addressed the matter to the justices. The magistrate who had issued the warrant became angry. He railed at Calvert’s contempt for the court. The justice stood before the entire court and described Joseph Calvert and his offenses “in terms quite new and unusual to be heard on such a seat.” Joseph Calvert’s brother (probably Maximilian Calvert) was a justice and took offense, threatening “to kick the magistrate’s backside off the bench.” That ended the prosecution of Joseph Calvert

⁵⁹ *Executive Journals*, 6: 229; and *Virginia Gazette*, ed. Rind, 22 September 1768, 3.

⁶⁰ *Virginia Gazette*, ed. Purdie and Dixon, 20 April 1769, Supplement, 2.

before county justice. Unable successfully to bring the culprit up on criminal charges, Lewis Hansford filed suit against Calvert in Williamsburg's General Court.⁶¹

It seems that the law was, for Joseph Calvert, a matter of political convenience. Though he refused and avoided a warrant issued for him, he had no compunction about using the law against his political enemies. In March of 1769, Joseph Calvert was sergeant of the city. He received a writ against Lewis Hansford in a suit by his brother Christopher Calvert. The sergeant went to Hansford's door and found himself ushered into the passage. When Hansford asked Calvert his business, the Sergeant realized he did not have the writ ready in his hand. A Mr. Robert Taylor had been visiting Hansford and as Calvert fumbled around for his papers, Taylor gave him "a good deal of scurrilous language, and asked me many impertinent questions." Calvert was curt and direct in his replies. When he looked up, Calvert saw Hansford stepping out of the room. Figuring the man was avoiding the writ, Calvert demanded Taylor "to lay hold of him; but instead of obeying, he fell to abusing me again." Hansford retreated into a back room and locked the door.⁶²

The rest of the affair was a complete comedy of errors. Joseph Calvert attempted to serve the writ several times to no success. He even managed to get his brother, the Mayor, Cornelius Calvert (who had been an inoculator), to issue a warrant for Hansford as a fugitive. The Mayor, thinking better of this, nullified the warrant.

⁶¹ *Ibid.*

⁶² *Virginia Gazette*, ed. Rind, 6 April 1769, 3 and 20 April 1769, 1-2.

Hansford simply kept himself locked in his house and refused to open the door for Calvert or any of his agents. Hansford claimed he was not avoiding the Sergeant. He suffered from the gout and could not venture outside. Joseph Calvert was faithful in his duty rapping on Hansford's door twice each day without fail, but Calvert was no better at serving warrants than he had been at receiving them. Finally, Hansford, recovered from the gout, ventured outside and Calvert was waiting for him. He led Hansford off to the jail.⁶³

Lewis Hansford's young son, who had observed his father's arrest, ran down the street in tears calling for the Mayor, Cornelius Calvert. With the Mayor in tow, he led him to the scene. Hansford demanded from the Mayor why this was happening – after all the arrest warrant was rescinded – but Joseph Calvert refused to relent for Hansford's sake or for his brother. The Calverts struggled and one report held that the Mayor nearly pulled a gun on his brother. As they struggled, Joseph threw Cornelius to the ground. The Sergeant called for assistance and a local shoemaker, John Fife, stepped forward. Together they delivered Hansford to the gaol. Hansford did not stay long. After letting him cool his heels for a few hours, Joseph Calvert took his bond and released him. The animosities had heightened, however, and Hansford swore revenge through his lawsuit with the General Court.⁶⁴

⁶³ *Virginia Gazette*, ed. Purdie and Dixon, 20 April 1769, Supplement, 2; *Virginia Gazette*, ed. Rind, 20 April 1769, 1-2.

⁶⁴ *Ibid.*

Hansford's lawsuit was one of a number filed by inoculators against members and leaders of the Norfolk mob. The General Court in Williamsburg scheduled to hear that case in April 1769, along with a counter-suit brought by anti-inoculators against Dalglish, Campbell, Parker, Hansford and Cornelius Calvert. Parker hoped the suits might convince the "people of Norfolk . . . that we were all bound by the same laws, and the people they were pleased to call forreigners [*sic.*] had as good a claim to protection and justice as if their ancestors had first settled this country." Parker clearly felt the mob expressed a strong anti-Scots sentiment, but that does not explain the animosity against Hansford and Cornelius Calvert. Both were "native" Virginians and Cornelius Calvert fought his brothers, Joseph and Maximilian, who were notorious anti-inoculators. It seemed instead both sides continued fanning the flame of smallpox. Inoculators circulated a pamphlet in Williamsburg during the April court session further alienating their opponents. And to make matters worse, the General Court continued the inoculation cases. Litigants returned home to Norfolk with animosities heightened and the issues unresolved. Things were ripe for more trouble and it did not take long before mobs were back in the streets of Norfolk.⁶⁵

On returning from the General Court in Williamsburg, Cornelius Calvert discovered one of his ships just arrived from the West Indies with the smallpox on board. He sent two apprentices off the ship and into the pest house. Charles Sawyer

⁶⁵ James Parker to Charles Steuart, Norfolk, 6 May 1767, Stuart Papers MS 5025, 128-129, National Library of Scotland, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm M-68.

Boush recovered from the illness. The second man, William Borous, did not yet show signs of the disease. During his confinement for observation he appeared to be free of it. After his release though, he became ill and was admitted again to the pest house along with three of Cornelius Calvert's exposed slaves. On May 24, 1769, Calvert instructed Dr. Dalgleish to inoculate the slaves.⁶⁶

That afternoon word leaked that inoculations were underway again. George Abyvon confronted Cornelius Calvert who responded that he had inoculated his slaves "and none but Knaves would oppose it." Anti-inoculators rallied that day. Later Cornelius Calvert discovered some men working on his ships grumbling and "entreated" them as employer and the current mayor of Norfolk to disperse. This group may have quieted, but another quickly formed. John Fife – "a fellow of bad and infamous character" – attacked Archibald Campbell in the street while another man struck the doctor "several severe blows." They might have severely injured Campbell had not John Gilchrist, a Campbell friend and fellow merchant, arrived and demanded the doctor's release. Amazingly the mob did release Campbell and friends carried him from the scene. The supervisor of the rope work owned by Parker, Campbell, and others, had testified in the April General Court against the anti-inoculation rioters. On

⁶⁶ *Virginia Gazette*, ed. Purdie and Dixon, 9 January 1772. Cornelius Calvert published this account at the conclusion of one round of the lawsuits. It agrees with an unsigned undated piece, apparently in James Parker's hand. Parker, it seems, sent this account to Charles Steuart along with his other correspondence that spring describing the General Court proceedings and events in Norfolk. [Norfolk Smallpox Riot Narrative,] Steuart Papers, MS 5025, 126-127.

this afternoon a group of anti-inoculators beat him and “struck him with a brick bolt over the eye.” At the same time magistrates sympathetic to the anti-inoculation mob swore out a warrant for the arrest of Dalgleish. Joseph Calvert, Sergeant of the Borough confined Dalgleish to the jail. It was probably the safest place the Doctor could be for that night.⁶⁷

That night a mob marched on Cornelius Calvert’s house. They “broke 50 pieces of [window] glass” frightening Calvert’s “Wife and Children, one of whom then lay on her Deathbed.” The crowd demanded Calvert drop “former Suits, and an Indictment that was brought against them” for the previous year’s smallpox riots. Parker reported the mayor gave rioters “a general promise to comply.” Calvert later claimed that he “refused to comply.” Either the mob received satisfaction, or they became bored. Again they were on the move through the streets of Norfolk.⁶⁸

Next they marched on Dr. Archibald Campbell’s home. Campbell, the center of the first controversy, did not participate in the 1769 inoculations. Nevertheless, the mob assembled at his house, broke windows, demanded liquor, and a promise that Campbell too would drop the lawsuits against anti-inoculators. Campbell declared his

⁶⁷ [Norfolk Smallpox Riot Narrative,] Steuart Papers, MS 5025, 126-127, James Parker to Charles Steuart, Norfolk, 6 May 1767, Stuart Papers MS 5025, 128-129, and *Virginia Gazette*, ed. Purdie and Dixon, 9 January 1772.

The supervisor of the ropewalk is referred to simply as “Mr. Via” in Parker’s letter. This may have been the same man who, as “foreman” of the ropeworks, armed the slaves to defend Campbell’s home the previous year.

⁶⁸ *Ibid.*

desire “to be at peace with all men.” That, and the distribution of some liquor demanded by the mob, calmed the crowd considerably. Then Joseph Calvert (who apparently waited until after the mob accosted his brother to join them) began inciting the crowd again. He called out “gentlemen half your business is not done I thought you were to have a promise that all prosecutions should be stoped hereupon the Populace and that all past Offences must be forgiven.” Campbell again assured them that he only wanted to live in peace. Henry Singleton, a local carpenter, shouted that they had no faith in Campbell’s promises. Then the crowd threatened to come back and pull down Campbell’s house if he did not relent on his lawsuits.⁶⁹

A cry went up and the mob moved on to James Parker’s house. It was now midnight and a few began falling away. Parker had seen the business at Campbell’s and managed to get home before the mob arrived. With this advance warning he assembled a few friends, armed himself, and prepared his wife, child and mother-in-law “as best I Could.” When the mob entered the gate to his property, Parker opened a second floor window and demanded to know “their business.” Henry Singleton “demanded as I Should come down open the door give them Liqueur, & drop all lawSuits I had against them.” This may have referred to more than inoculation law suits for merchants Parker and Aitchison had sued Singleton the previous year for debt. Parker “Refused complying with any of the demands.” When the rioters picked up stones to throw at his house Parker “put out the muzle of a Gun, & demanded they

⁶⁹ *Ibid.*

Should lay them down again which they very readily did.” The merchant then “ordered them out of my inclosure.” Again the mob complied, but threatened “at the Same time to be back Soon to distroy my home or to catch me from home.”⁷⁰

Tensions remained high for at least a week. The inoculators armed themselves and their households, guarding their property every night. While the anti-inoculation mob did not return violence against individuals, they did continue their protests and their threats. Cornelius Calvert, Campbell, and Parker applied to the local justices for restraint. The magistrates refused “alleging their fears of personal injury” from the mob if they interfered. They applied to the commanding officer of the Militia who “returned an evasive answer giving abortive advice & denying assistance on other terms.” Throughout the week, mobs ruled the streets of Norfolk. They paraded effigies of the inoculators. A head labeled “this is the head of Dr. A---d Cam---ll” lodged on “a tree at the End of the town near the Gallows, with iron barrs all Round” was still there as late as October. No doubt it was a grim reminder for Campbell that he only desired “to be at peace with all men.” During the week of rioting, mobs also put out “Scandelous advertisements & pictures” with other accusations against inoculators and their friends. Merchant friends of Parker, a Mr. and Mrs. Farmer, received a pointed insult when a drawing circulated depicting Mr. Farmer with a

⁷⁰ [Norfolk Smallpox Riot Narrative,] Steuart Papers, MS 5025, 126-127; James Parker to Charles Steuart, Norfolk, May 1769 Steuart Papers 5025, 123-124.

cuckold's horns "fondling . . . children that were not his own."⁷¹

These were long lived animosities. James Parker and Cornelius Calvert continually pressed the General Court to hear these cases. General Court justices compromised, convicting some rioters and also fining inoculators, and satisfied neither side. James Parker never laid the case down and pressed for a change of venue to the Privy Council in London. It was 1772 before the General Court handed down a portion of the verdicts. Two years later law suits relating to the Norfolk smallpox riots were still on the court's docket.⁷²

Inoculation split the community in some surprising ways. Nearly all the principal inoculators and anti-inoculators were magistrates, mayor (or former mayors), common council members, or other prominent officials. James Parker claimed hatred against the Scots played a role. He, Dalgleish, and Campbell were Scottish immigrants and possibly ethnic animosity played a role, but it does not explain mob action against Cornelius Calvert and Lewis Hansford. Both were from well established Norfolk families. The smallpox controversy divided families. Cornelius Calvert, one of the vehement inoculators pitted himself against his brothers Maximilian and Joseph, two of

⁷¹ [Archibald Campbell and James Parker] to Governor Botetourt, 28 May 1769, Steuart Papers MS 5025, 125; [Norfolk Smallpox Riot Narrative,] Steuart Papers, MS 5025, 126-127; James Parker to Charles Steuart, Norfolk, May 1769 Steuart Papers MS 5025, 123-124; James Parker to Charles Steuart 20 October 1769, Steuart Papers, MS 5025, 215-220, Mrs. Margaret Parker to Charles Steuart, 10 November 1769, Steuart Papers, MS 5040, 76-78.

⁷² *Virginia Gazette*, ed. Purdie and Dixon, 9 January 1772; Dewey, "Thomas Jefferson's Law Practice," 39-53; and Mason, "A Loyalist's Journey," 139-166.

the most vehement anti-inoculators. Among the principal individuals the science of inoculation was not even an issue. Maximilian Calvert, John Boush and other prominent anti-inoculators had previously sent their children and families out of the area to Baltimore for the treatment. Some historians analyze the incident in the shadow of the approaching Revolution and divide loyalist inoculators against patriot anti-inoculators. But in the context of the Stamp Act, the principal members of both groups were Sons of Liberty protesting the Stamp Act.⁷³

Perhaps it is the Norfolk mob that makes the difference here. Perhaps the anti-inoculators were, just as they said, afraid of the mob's reaction. Certainly the inoculations sparked a series of rumors and distrust. Anti-inoculators accused Cornelius Calvert of plotting to "Spread the infection all over the County" and told stories of finding "a Cloak on the Road that lookd as if it had Scabs upon it." When these stories incited a mob, local officials did not believe they could control it. As in the Stamp Act and impressment riots, local leaders assisted, supported and occasionally moderated the mob to keep it under control. The county leaders in the anti-inoculation camp actually showed exasperation that Campbell, Dalgleish, Parker, Cornelius Calvert and others would proceed against the expressed wishes of the mob. Parker referred to this as rule by "mobidity," people within the community forcing the compliance of others with violence and threats. This may be the precise cause of the second series of riots in 1769. Inoculation was only the excuse. More common members of the

⁷³ *Ibid.*

community like carpenter Henry Singleton or the shoemaker John Fife could not afford expensive lawyers and elaborate defenses in the General Court. Instead, they took their case to the streets in an attempt to force inoculators to drop their law suits. The constituency of Virginia's communities should not be overlooked. The lesser sort would not mindlessly follow local leadership. They expected leaders would look after the community's best interest and if need be, they would inform leaders what that best interest was.⁷⁴

Anti-inoculators held local leaders accountable. When local magistrates could find no precedent in the law to prevent the inoculations, Norfolk county residents marched in the streets demanding redress. Throughout more than two years of conflict Norfolk residents proved that they were not afraid of their leaders. In fact, as Loyal confessed, it was the leaders who feared the anti-inoculators. Nor is it surprising that the leadership of Norfolk split on the issue of inoculation. Stamp Act resistance and the smuggling trade benefited the whole town. Impressment concerned every individual in the town. Small pox inoculation, however, was an advantage to the middling merchants and professionals of the town, but a disadvantage to the less affluent. Part of the town leadership felt high position in the community allowed advantages, like inoculation, despite the general concerns in the community. Opposition to inoculation, they maintained, was simply vulgar, uninformed, and certainly not rational. Another

⁷⁴ [Archibald Campbell and James Parker] to Governor Botetourt, 28 May 1769, Stuart Papers MS 5025, 125, James Parker to Charles Stuart 20 October 1769, Stuart Papers, MS 5025, 215-220.

portion of the town's leadership – even some who believed in the benefits of inoculation – took the opposing viewpoint.

The accusation that the magistrates should have dispersed the mob displayed a false understanding of the dynamic between leaders and the populace. Loyal pointed out that the mob would get its answer one way or another. For other town leaders, like Joseph Calvert, the concerns of the populace were valid at the most basic level. He would help them carry forward their concerns as he had helped carry the day against the *Hornet's* impressment sortie. In short, community opinion could not go ignored. When a patient complained of being pushed out into the rain on the march to the pest house, a magistrate retorted, “all these things ought to have been considered before they ventured on inoculation.” On the march to the pest house the common ranks of Norfolk stripped away every vestige of deference.⁷⁵

Norfolk town life seems to have lent itself to rioting. Sometimes violence erupted over issues that were strictly local and found no resonance elsewhere. Sometimes riots expressed issues that resonated across the colony. Other Virginia localities did not experience Norfolk's vehement discord concerning smallpox or inoculation. Norfolk's Stamp Act protest and impressment riot did demonstrate solidarity with other Virginians and indeed other American colonists. Though dispersed across the landscape in a labyrinth of small diverse communities, Virginians

⁷⁵ *Virginia Gazette*, ed. Rind, 25 August 1768, Supplement, 1-2; Costa, “Economic Development,” 159-161; and Ferrari, “Artisans,” 70.

were not isolated. As we shall see, they engaged issues of provincial and imperial import. Furthermore, communication between communities was strong enough for coordinated engagement of important provincial and imperial issues.

In the mid 1760s Virginians demonstrated that their small communities did indeed have common interests. The demonstration occurred when three scandals ripped across the communities aligning factions among the gentry and causing common Virginians to question gentry motives and actions. The first of these scandals sprang from protests against imperial policy: the Stamp Act. It came in the revelation that Virginia's popular leader of the Stamp Act resistance had, in fact, applied for the job of Stamp Collector. The second scandal occurred on the death of Virginia's long term Speaker and Treasurer. A rendering of the Colony's accounts revealed a significant discrepancy. As if that were not enough, a third scandal wracked the Colony. A prominent member of the gentry willfully murdered a merchant. Worse, his peers on the Governor's Council appeared willing to help him escape the full prosecution of the law. In communities across the colony, clearly disturbed by these occurrences, lesser Virginians spoke clearly. They declared their waning confidence in gentry leadership and some declared a willingness to step outside the law to defend the interest of Virginia.

CHAPTER V

THE CHARLATAN.

At the onset of the Stamp Act Crisis the issues appeared clear. An imperial government in London required revenues to support the huge colonial administration necessitated by the Treaty of Paris. American colonists resisted the imposition of the new tax. The inter-colonial coordination and support was unprecedented. In Virginia, leaders of the Stamp Act resistance turned to the people, generating wide popular support for their cause. The resistance movement should have been a galvanizing event uniting Virginians in a common cause. However, the Stamp Act Crisis exposed one popular gentleman leader as a charlatan. The discovery caused many to question the motives of these early “patriot” leaders in Virginia and the fitness of the colony’s gentry class.

Virginians received word of the proposed Stamp Act in the spring of 1764. The news increased a general sense of discontent. It began with news of the Sugar Act. Grenville’s plans to significantly increase the duty on molasses was only one provision distressing colonial Americans. The Sugar Act also placed new restrictions on the export of lumber. In addition, the postwar contraction of the British economy impacted colonials quite severely. British imports had increased rapidly during the first years of the decade. An expansion of credit fueled the consumption frenzy. Now demands for

repayment of those debts increased as the economy declined. A few of the large merchant houses in Philadelphia and Boston actually failed under the stress. In Virginia tobacco harvests were good, but prices fell in a glutted market. Gentry, planters, merchants, and tradesmen struggled under an increasing load of debt. Large lots of property went on the auction block. Courts' dockets swelled with debt cases. Lotteries proliferated as one means of liquidating assets. These schemes appealed to the Virginia fascination with games of chance.

It seemed that nearly every lender called in at least part of the credit he extended to others. When merchants pressed for payment, public resentment directed at them increased. This was particularly true for Scottish factors and other "foreign" merchants. William Allason, a Rappahannock Scottish merchant, was so nervous he ordered a pair of pistols. "It is sometimes Dangerouse in Travelling through our wooden Country, Particularly at this time when the Planters are pressed for old Ballances."¹

¹ Billings, Selby, and Tate, *Colonial Virginia*, 292-296; Breen, *Tobacco*, 160-186; William Allason to Bogle and Scott, 29 July 1764, Allason Papers.

Richard B. Sheridan, "British Credit Crisis of 1772 and the American Colonies," *Journal of Economic History* 20 (1960): 161-186; offers statistics on the increasing dependence on credit developed for Prince George's County Maryland. In the period 1745-1759 13 percent of freeholders owed money to Scottish merchants. Between 1760-1764 that percentage rose to 38 percent and between 1765-1769 it rose to 75 percent. Tenant indebtedness also increased during this period. Governor Fauquier noted that planters imported more goods than their exports covered. Some "thinking Gentlemen of the Colony" understood this trade imbalance and its causes. Still Fauquier felt "they obstinately shut their eyes against it." Virginians "are not prudent enough to quit one Article of Luxury, till Smart obliges them." Fauquier to the Earl of Egremont, 1 May 1762 and Fauquier to the Board of Trade, 3 November 1762,

News that Parliament intended establishing a new tax on the British colonies sparked predictions of dire consequences for the beleaguered economy. "Certain it is our Taxes & Levies are very high already," observed Allason. Against this backdrop, Richard Henry Lee emerged as an opponent of the Stamp Act. He characterized Parliament's action as "a resolution, to oppress North America with the iron hand of power, unrestrained by any sentiment, drawn from reason, the liberty of mankind, or the genius of their own government." Lee's argument, like those of other opponents, did not focus on Virginia's troubled economy. It hinged on constitutional principle. Virginians must defend "the right to be governed by laws made by our representatives." Any "taxation without consent" destroyed "essential principles of the British constitution." Before the crisis concluded in Virginia, Lee would manipulate his way to the forefront of popular and governmental opposition to the British Parliament. Just as quickly, he would find himself exposed as a political charlatan primarily concerned with his own self interest.²

Fauquier Papers, 2: 729-731 and 329-334.

For additional discussion of the credit crisis see: Billings, Selby Tate, *Colonial Virginia*, 292-296; Breen, *Tobacco*, 160-186; Kulikoff, *Tobacco*, 128-130; Joseph Albert Ernst, *Money and Politics in America, 1755-1775; A Study in the Currency Act of 1764 and the Political Economy of Revolution* (Chapel Hill: University of North Carolina Press, 1973), 66-70 and 329-334.

² William Allason to Alexander Walker, Falmouth, 21 May 1765, Allason Papers; Richard Henry Lee to a Gentleman in London, 31 May 1765, Richard Henry Lee, *The Letters of Richard Henry Lee*, ed. James Curtis Ballagh (New York: Macmillan, 1911), 1:5-7; Jack P. Greene, "Character, Persona, and Authority: A Study of Alternative Styles of Political Leadership in Revolutionary Virginia," *The Revolutionary War in the South: Power, Conflict, and Leadership* (Durham: Duke University Press, 1979), 7-19;

Richard Henry Lee was a fifth generation Virginian and with his five brothers represented one of the most influential families in the Colony. He was first elected to the House of Burgesses in 1758 and from the first set himself in opposition to the powerful Speaker of the House, John Robinson. That year, Robinson stood for reelection as the Colony's Treasurer and Richard Henry Lee spoke in opposition to the Robinson candidacy. Robinson gained reelection, but the Lees were a force to be reckoned with in the House of Burgesses. Richard Henry Lee and his cousin represented Westmoreland county. Brother Thomas Ludwell Lee represented Stafford. Another brother Francis Lightfoot Lee filled the Loudoun County seat. Cousin Richard Lee was burgess from Prince William. The eldest brother, Philip Ludwell Lee, had served in the House until 1757 when he received an appointment to the Governor's Council.³

The Assembly that convened in October of 1764 took up the matter of the stamp tax. On November 14 they formed a committee charged with drafting memorials to the King, House of Lords, and House of Commons protesting the stamp duty. The

and Greene, "'Virtus et Libertas', 71-86.

The best overview of these issues remains Edmund and Helen Morgan's, *Stamp Act Crisis*. However, they do not focus on the role of Virginia. For the Virginia perspective see J. A. Leo Lemay, "John Mercer and the Stamp Act in Virginia, 1764-1765," *Virginia Magazine of History and Biography*, 91 (January 1983): 3-38.

³ John Carter Matthews, *Richard Henry Lee* (Williamsburg: Virginia Independence Bicentennial Commission, 1978), 1-6; Oliver Perry Chitwood, *Richard Henry Lee: Statesman of the Revolution* (Morgantown: West Virginia University Library, 1967), 1-27.

committee included Peyton Randolph, Richard Henry Lee, Landon Carter, George Wythe, Edmund Pendleton, Benjamin Harrison, and Archibald Cary. They completed their work by the end of the month. The Burgesses resolved to consider the memorials in a conference of the whole House Tuesday, December 4, but deferred the measure daily for the next ten days. On December 14 they agreed on the text and Peyton Randolph carried the address to the Council requesting their concurrence. Three days later the House committee conferred with the Council. On the following day, Burgesses accepted the Council's amendments and entered the memorials into the record. A final version, amended by the Council, passed the House on December 18.⁴

The memorials addressed "the King's Most Excellent Majesty" with confidence of his protection for the "People of this Colony in the Enjoyment of their ancient and inestimable" rights. For the House of Lords and House of Commons, the Burgesses set forward the principle "essential to British Liberty that Laws imposing Taxes on the People ought not to be made without the Consent of Representatives chosen by themselves." They claimed this a "Privilege, inherent in the Persons who discovered and settled these Regions." The stamp tax, by their estimate, therefore, was illegal.

⁴ Billings, Selby and Tate, *Colonial Virginia*, 293-294; Francis Fauquier to the Board of Trade, 24 December 1764; *Fauquier Papers*, 3:1201-1203; *Journal of the House of Burgesses of Virginia 1761-1765*, 256-304. It is uncertain what amendments were proposed by the Council and accepted by the Burgesses. Fauquier reported that "In the resolutions of the house of Burgesses the Terms are very warm and indecent as your Lordships will observe in their Journals; but I have been told by some Gentlemen of the Committee appointed to draw them up that their whole Study has been to endeavor to mollify them and they have Reason to hope there is nothing now in them which will give the least Offense."

Even if Parliament possessed the power to tax colonies “the Exercise of that Power at this Time would be ruinous to Virginia.” Having “exerted herself in the late War it is feared beyond her Strength,” Virginia deserved better; the new tax was “oppressive to her People” and “destructive of the Interests of Great Britain.” For these reasons, the memorialists hoped Parliament would not “prosecute a Measure” treating Virginians like “Exiles driven from their native Country after ignominiously forfeiting her Favours and Protection.”⁵

It seems that Richard Henry Lee and others pushed for even stronger language in the memorials. Lieutenant Governor Francis Fauquier understood that the language was at first “very warm and indecent.” Members of the Robinson faction serving on the committee pushed for moderation. “I have been told by some Gentlemen of the Committee . . . that their whole Study has been to endeavour to mollify.” Fauquier had “Reason to hope there is nothing now in them which will give the least offence.”⁶ Perhaps too much so. In April of 1765, Burgesses learned that their memorials and requests were ineffective. The Stamp Act was now law.

In May, legislators met under a cloud of financial crisis. That spring the Governor recalled treasury notes issued to finance the Seven Years War. As the currency arrived in Williamsburg, the treasury lacked sufficient funds to cover the

⁵ *Journal of the House of Burgesses of Virginia, 1761-1765*, 302-304.

⁶ Francis Fauquier to the Board of Trade, 24 December 1764; *Fauquier Papers*, 3:1201-1203.

redemption. It appeared to some that the colony was insolvent. The General Assembly considered the matter, but developed no solution. Frustrated by their indecisiveness in this crisis, it appears that many members drifted away from the Capitol and returned home.

As the membership dispersed, younger Burgesses and opponents of the Robinson faction found themselves in control of the Assembly. They pushed for a strong remonstrance against the stamp duties. Fauquier described the proceedings for the Board of Trade. "On Wednesday the 29th of May just at the end of the Session, when most of the Members had left the town, there being but 39 present out of 116 . . . a motion was made to take into Consideration the Stamp Act." Five resolutions, crafted by Patrick Henry, George Johnson, John Fleming, Robert Munford, and Paul Carrington, went before the House. Henry withheld two others. In the "Committee of the whole house five Resolutions were proposed and agreed to, all by very small majorities." The debate lasted most of the day and according to Fauquier. "In the Course of the debates I have heard that very indecent Language was used by a Mr. Henry a young Lawyer, who had not been a Month a Member of the House; who carried all the young Members with him."⁷

Robinson and his supporters, the more established membership, represented "the most strenuous opposers of this rash heat," but the efforts of Speaker Robinson,

⁷ Billings, Selby and Tate, *Colonial Virginia*, 298-300; Francis Fauquier to the Board of Trade, 5 June 1765, *Fauquier Papers*, 3:1250-1251.

Peyton Randolph, and George Wythe were “overpowered by the Young, hot, and Giddy Members.” Fauquier realized the “younger members” skillfully took advantage of the small membership. He doubted the resolves could have passed if more “Representatives had done their Duty by attending to the end of the Session.” The following day attendance shifted in favor of the Robinson faction. They brought the resolutions back to the floor and attempted to “strike all the Resolutions off the Journals.” Only “The 5th which was thought the most offensive was accordingly struck off, but it did not succeed as to the other four.” On Saturday, June 1, Fauquier informed the Burgesses that he “commanded the immediate Attendance of your house in the Council Chamber.” He gave his assent to a variety of bills and resolves. The list did not include the Stamp Act Resolves. Then “his Honour was pleased to dissolve the Assembly.”⁸

The passage of only four resolutions and the absence of the Governor’s assent did not deter the Stamp Act opponents. Copies of all seven resolutions circulated widely, finding their way into the pages of American gazettes. If Fauquier truly doubted the resolutions expressed the sentiment of the entire House, he understood that the Stamp Act resolves represented public sentiment. On June 14, 1765, he wrote to the Earl of Halifax relating “the general Dissatisfaction at the Duties laid by the late Stamp Act.” In Virginia that dissatisfaction “breaks out and shews itself on every

⁸ Francis Fauquier to the Board of Trade, 5 June 1765, *Fauquier Papers*, 3:1250-125; Billings, Selby and Tate, *Colonial Virginia*, 298-300; *Journal of the House of Burgesses of Virginia, 1761-1765*, 358-364.

trifling Occasion.”⁹ Over the course of the summer, public sentiment festered and brewed. By September it was ready to boil over. Richard Henry Lee stepped forward as the public champion.

On Westmoreland court day, September 24, 1765, the justices meeting at the courthouse in Montross penned an address to the “Honourable the Governor and Council of Virginia.” The declaration expressed their sense of a contradiction between their duty as justices of the peace and the requirements of the Stamp Act. Compelled “by the strongest Motives of Honour and Virtue,” they tendered their resignation effective November 1, the day the Stamp Act became law. As magistrates, the men’s sworn duty required protecting the rights and liberty of Virginians. The Act, however, imposed “on us a Necessity, in Consequence of the Judicial Oath we take, of Acting in Conformity to its Directions, and, by doing so, to become Instrumental in the Destruction of Our Country’s most essential Rights and Liberties.” This unresolvable contradiction left resignation as the only honorable course. Richard Henry Lee was one of those justices.¹⁰

Not satisfied that resignation demonstrated the zeal of his resolution to the local populace, Lee orchestrated a pageant. The ceremonies embraced the whole of society. When the county court met, justices sat on the bench, the King’s arms above their

⁹ Francis Fauquier to the Earl of Halifax, 14 June 1765, *Fauquier Papers*, 3: 1258-1259.

¹⁰ From the Justices of Westmoreland County, 24 September 1765, *Fauquier Papers*, 3:1278.

heads. Their actions reinforced, for members of the community, basic tenets of authority and rule. At militia musters, county freeholders acted out and rehearsed civic responsibility. Popular games – horse races, cock fights, and other events – brought communities together, reminding individuals of various status groups the elements held in common by all members of society. These ceremonies employed all the human senses and appealed to Virginians of every social status. Lee understood their power and displayed his mastery at constructing these popular events.¹¹

At this September Westmoreland court day, two of Lee's slaves led the procession hefting "long clubs, clothed in Wilkes's livery." The activities of John Wilkes, a militant British patriot, dated back twenty years. As co-editor of the *North Briton* with poet and playwright Charles Churchill, Wilkes came to represent the freedom-loving Englishman. Wilkes supported a variety of reforms, including annual parliaments, extending the franchise, and the repeal of measures alienating Americans. One of those measures was the general warrant or writ of assistance. In America those writs gave customs officials broad powers to search and seize contraband goods. In 1763 the government arrested Wilkes on a general warrant for publishing seditious libel. Wilkes went into exile, a martyr. It is also important to note that Wilkes' philosophy contained what one historian has called a healthy dose of "noisy

¹¹ Isaac, *Transformation*, 89-114; *Virginia Gazette*, ed. Purdie and Dixon, 26 September 1766, 1-3; Peter Borsay, "'All the town's a stage': Urban Ritual and Ceremony 1660-1800," *The Transformation of English Provincial Towns* (London: Hutchinson, 1984), 228-258; Peter Shaw, *American Patriots and the Rituals of the Revolution* (Cambridge: Harvard University Press, 1981).

Scottophobia.” Scots were, in Wilkes’s eyes, aliens who could never become integrated with true Englishmen. Scottish nobles were tyrants wielding arbitrary power, and even worse the common Scot submissively accepted tyranny. Americans adopted Wilkes as their own. Richard Henry Lee’s younger brothers (William and Arthur) lived in London and worked closely with the Wilkites. Their correspondence with Americans strengthened the ties between Americans and John Wilkes.¹²

The Wilkes-garbed slaves carried “long clubs” as they headed this September procession, designating them “men at arms.” Though encumbered by the condition of slavery, their livery and weapons bespoke Virginia’s encumbered condition but determined defense of Virginia liberty. Liveried slaves led “a confused rabble of other Negroes, and Whites of the lowest rank, if it could be properly said they were of any rank at all.” Behind this body, a cart carried two effigies. The first wore a sign identifying it as George Grenville “the infamous projector of American slavery.” The second likeness represented George Mercer, Collector of Stamps in Virginia. In one hand he carried a sign, “Money is my God,” and in the other “Slavery I love.” Several Lee slaves guarded the effigies, officiating in the “several offices of sheriffs, goalers, constables, bailiffs, and hangmen.” These attendants processed naked, “in the birthday suits.” They represented Virginia government stripped naked by British tyranny.

¹² Maier, *From Resistance to Revolution*, 162-169; Pauline Maier, *The Old Revolutionaries: Political Lives in the Age of Samuel Adams* (New York: Alfred A. Knopf, 1980), 179; Colley, *Britons*, 113-117 and 120-121; *Virginia Gazette*, ed. Purdie and Dixon, 26 September 1766, 1-3.

Richard Henry Lee himself followed the likeness of Mercer “to take his confession, and publish his last speech and dying words.” A mixed crowd followed the procession. Lee critics characterized them as “those ranks and degrees of people generally, and not improperly, known and distinguished by the appellation of Tag Rag and Bobtail.”¹³

Lee copied and embellished a ritual that first occurred in Boston earlier that August. There, citizens hanged and burned an effigy of the Massachusetts stamp collector, Andrew Oliver, at the Liberty Pole in South Boston. Similar demonstrations followed in Rhode Island and Maryland.¹⁴ James Mercer, angry at the insulting effigy of his son, charged that Lee used his Negroes in the procession thereby avoiding the expense of hired participants. That seems unlikely; reports indicated that a large number of people attended Westmoreland court day that September. Doubtless, any number of people would have taken part, given the opportunity. Lee carefully crafted this demonstration. An essential element to successful ritual theater required turning the community on its head. With slaves seemingly in charge and gentry values repudiated, Lee created the atmosphere of carnival.¹⁵

¹³ *Virginia Gazette*, ed. Purdie and Dixon, 26 September 1766, 1-3.

¹⁴Maier, *From Resistance to Revolution*, 53-60. William Allason wrote his brother on September 8, 1765, that a “Neighbouring Town tooke the example from a Northern Government and burnt the Effigy of the Person appointed for the distribution of the Stamps.” Since the letter is dated several weeks before the Westmoreland episode it appears Lee was not the first to orchestrate this type of event. William Allason to his Brother, 8 September 1765, Allason Papers.

¹⁵ Borsay, “‘All the town’s a stage,’” 241-242, notes how urban rituals highlighting the contrast between rich and poor, franchised and disenfranchised, had a

The use of his slaves also sent visual messages as clear as the placards on the effigies' breasts. Historian Pauline Maier has suggested that the presence of Lee slaves in this demonstration might suggest ambivalence toward the institution on the part of their master. There seems an inherent contradiction in this demonstration against political slavery by a slave owner. It seems unlikely, however, that Richard Henry Lee, who embraced Wilksian philosophy with its prejudiced "Scottophobia," would harbor guilt over enslaving those whom he, no doubt, considered an inferior race.

More likely, the use of slaves punctuated a cultural symbol familiar to all the white Virginians present at Westmoreland Courthouse. As Edmund Morgan argues, slavery was an institution binding every element of white society. Whatever their status, they were not black slaves. Further, the enslavement of blacks in Virginia invested special meaning to the political slavery they protested. Every Virginian equated the concept of political slavery with the condition of enslaved Africans. Enslaved Westmorelanders symbolized the political enslavement of Virginia. The contrast began with Wilkes' livery. Though enslaved, Virginians sought, embraced, and defended freedom. Naked slaves playing sheriff, goaler, constable, bailiff, and hangman graphically demonstrated the enslavement of Virginia's governmental officials. It was the same sentiment the Westmoreland Justices declared in their address to the Governor. The oath of office required that justices enforce the laws of

cathartic effect that draws the community together. See also V. Turner, *The Ritual Process* (Chicago: 1969), 83; E.P. Thompson, *Customs in Common*, 92-94; Shaw, *American Patriots*, 204-226.

Parliament. Their duty also charged them with the care and protection of the community. When the Stamp Act became law, it trapped county officials. On the one hand they were responsible for protecting their community. The magistrates' oath of loyalty also bound them to follow the laws of King and Parliament. The Stamp Act, in their estimate, subverted the rights of Virginians, but as justices they were bound to carry it out. Their only recourse was resignation. The symbolism of Lee's Westmoreland pageant was not lost on the populace attending court day.¹⁶

This mock procession of the condemned Mercer and Grenville to the gallows predicted the triumph of liberty. As the pageant continued the following day, Wednesday, September 25, the participants read the confessions of Mercer and Grenville. These confessions enumerated the crimes committed against the people of Westmoreland and all of Virginia. As the crowd hanged the effigies again on the second day, Lee read "the last words and dying speech" of George Mercer.

Gentlemen,

Sincerity becomes a man who is on the verge of eternity, however crafty he may have been in the former part of his life. I hope therefore I shall gain your credit, when I assure you that I now die convinced of the equity of your sentence, and the propriety of my punishment; for it is true that with parricidal hands I have endeavoured to fasten chains of slavery on this my native country, although, like the tenderest and best of mothers, she has long fostered and powerfully supported me. But it was the inordinate love of gold which led me astray from honour, virtue, and patriotism.

¹⁶ Maier, *The Old Revolutionaries*, 195; Morgan, *American Slavery*, 377-381; *Virginia Gazette*, ed. Purdie and Dixon, 26 September 1766, 1-3.

As I am now to suffer the punishment so great an offender deserves, I
hope my fate will instruct Tyranny and Avarice that Virginia determines
to be free.

Quid non mortalia pectora cogis

Auri sacra fames?

[Translation: "Cursed hunger for gold,
to what do you not force mortal breasts?"]

Jove fix'd it certain that whatever day

Makes a man a slave, takes half his worth away.

Then the crowd burned the effigies along with a small house. It is not clear whether the house caught fire by accident or burned intentionally to increase the spectacle. In either case it was a fitting finale.¹⁷

Lee was adept at playing the role of a popular spokesman. Edmund Randolph recalled his rare "species of oratory." Lee "attuned his Voice with so much care that one unmusical cadence could scarcely be pardoned by his ear." He carefully practiced and cultivated the skill. The results were impressive. "His speech was diffusive, without hackneyed formulas, and he charmed wheresoever he opened his lips."¹⁸

Though not as dramatic as Lee's Westmoreland extravaganza, there were protests staged in other Virginia communities. On October 5, Justices of Stafford County declared the "Act of Parliament" unconstitutional, and resigned their commissions. Interestingly, one of the justices was the stamp collector's father, James Mercer. In Culpeper County the justices met on October 21 and tendered their

¹⁷ *Virginia Gazette*, ed. Purdie and Dixon, 26 September 1766, 1-3. The Latin is a quotation from Vergil's *Aeneid*, book 3, Lines 56-57.

¹⁸ Randolph, *History of Virginia*, 184.

resignation. In King William County the populace hanged another effigy. Word of these actions circulated through Virginia, fueling the anti-tax sentiments. Virginians, throughout the fall, expected the imminent arrival of the stamp collector, George Mercer. “Rumours were industriously thrown out” that at the fall meeting of the General Court citizens would converge on Williamsburg “to seize on, and destroy all Stamp’d papers.” Richard Henry Lee’s Westmoreland pageant helped set the stage for George Mercer’s arrival in Williamsburg.¹⁹

During the week of October 27, 1765, the *Leeds* sailed into Hampton Roads under Captain Anderson. He had on board George Mercer, Chief Distributor of Stamps for the Colony of Virginia. When Mercer landed in Hampton, he “met with some very rude treatment from the mob there.” It was an indication of what he would find waiting for him in Williamsburg. In Hampton, some “Gentlemen” intervened and the mob “dispersed, without any ill consequences.”²⁰

Mercer arrived in Williamsburg during Public Times, Wednesday, October 30. The General Court session and the meeting of the merchant’s exchange brought him to town when it “was the fullest of Strangers.” Hearing of Mercer’s arrival, Governor Fauquier went up to “the Coffee house” situated near the Capitol building and next to “the Exchange . . . where all money business is transacted.” Fauquier made sure he

¹⁹ From the Justices of Stafford County [5 October 1765]; and From the Justices of Culpeper County [21 October 1765], *Fauquier Papers*, 3:1281-1282, 1285-1286; and *Virginia Gazette*, ed. Purdie and Dixon, 3 October 1766, 3.

²⁰ *Virginia Gazette*, ed. Royle, 25 October 1765, Supplement, 3.

would be an eye witness to any situation that might occur.²¹

The merchants assembled on the exchange as usual during the General Court. When the call went up “One and all,” the gathering took off in search of Colonel Mercer who was staying at his father’s lodgings. Fauquier called this “Concourse of people” a mob, though, “chiefly if not altogether composed of Gentlemen of property.”

The governor used the term “gentlemen” here in its broadest context. He identified some in the mob as leading citizens in their counties. Others were English, Scottish, and Virginia-born merchants. Unlike Lee’s Westmoreland gathering, this was a more genteel and regulated assembly. Clearly, it was a gathering of gentry and middling Virginians. The crowd came across Mercer at the Capitol and “demanded of him an Answer whether he would resign or act in his Office as Distributor of the Stamps.”

Mercer replied that he could not give them an answer without consulting “his Friends.” He promised to meet the assembly at the Capitol Friday morning at ten o’clock with his answer. The mob, apparently satisfied for a moment, let Mercer strike out of the Capitol grounds and head for the Coffee House. Thinking better of it, however, they soon followed behind him.

Fauquier, with several members of the Council and Speaker Robinson, sat on the porch of the Coffee House. As the crowd arrived, Robinson “posted himself between the Crowd” and the Governor. The gentlemen on the porch greeted Mercer

²¹ The following account of the Williamsburg Stamp Act “riot” is taken from Francis Fauquier to the Board of Trade, Williamsburg, 3 November 1765, *Fauquier Papers*, 3:1290-1293.

“with the greatest Marks of welcome.” It was obvious to Fauquier, “by their Countenances,” that the mob was “not well pleased, tho’ they remained quiet and were silent.” He recalled that “Now and then a Voice was heard from the Crowd, that Friday was too late” and “Several Messages were brought to Mr. Mercer by the leading Men of the Crowd.” Mercer continued his insistence on a Friday response.

This standoff went on for some time and then someone in the crowd called, “let us rush in.” Fauquier with his councilors and the Speaker took up a position at the top of the steps, “knowing the advantage our Situation gave us to repell those who should attempt to mount them.” Fauquier heard someone else call out, “see the Governor take care of him.” Then “those who were pushing up the Steps immediately fell back and left a small Space between me and them.” The Governor credited this retreat “to the Respect they bore to my Character, and partly to the Love they bore to my person.” Despite the deference shown the Governor, the crowd continued entreating Mercer for a speedy reply and finally he relented. “Against his own Inclination” Mercer promised “an Answer at the Capitol the next Evening at five.”

The advanced date did not disperse the crowd and as it grew dark the Governor “did not think it safe to leave Mr. Mercer behind.” Advancing to the edge of the steps, Fauquier “said aloud I believed no man there would do me any hurt, and turned to Mr. Mercer and told him if he would walk with me through the people I believed I could conduct him safe to my house.” Fauquier and Mercer “walked side by side through the thickest of the people who did not molest us; tho’ there was some little murmurs.”

Once at the Palace, Mercer and the Governor discussed the situation. Mercer requested the Governor's advice. Fauquier "asked him whether he was afraid for his Life." Others were. Mercer's father and brother were both in Williamsburg and "both frightened out of the Senses for him." If afraid for his life, Fauquier said he could not advise Mercer on his actions because "it was too tender a point." If Mercer did not think his life in danger, however, the Governor advised that "honor and Interest both demanded he should hold the office." Mercer left the Governor later that evening still uncertain "what part he should act."

The newly appointed Stamp Collector appeared at the Capitol at five o'clock Thursday evening. "The number of People assembled there was much encreased by messengers having been sent into the neighbourhood for that purpose." Noting that his appearance was "agreeable to yesterday's promise," Mercer began his address with an explanation. Mercer traveled to Britain in 1763 and this was his first return trip to Virginia. Removed from his homeland, he was unaware of the "propriety or weight of the objections" held by his countrymen in Virginia concerning the Stamp Act. He countered charges that while in England he actively worked for passage of the Stamp Act in return for his commission. At the time of his appointment to the collector's office, he was traveling in Ireland. In no way, Mercer claimed, had he solicited the position. He only accepted the commission out of a sense of duty. Mercer then declared he would not "directly or indirectly, by myself or deputies, proceed in the execution of the act until I receive further orders from England, and not then without

the assent of the General Assembly of this colony.” He concluded “that no man can more ardently and sincerely wish the prosperity [of Virginia] . . . or is more desirous of securing all its just rights and privileges” than himself.²²

²² *Ibid.* The full address of George Mercer appeared in *Virginia Gazette*, ed. Royle, 25 October 1765, Supplement, 3.

Gentlemen I now have met you agreeable to yesterday’s promise, to give my country some assurances which I would have been glad I could with any tolerable propriety have done sooner.

I flatter myself so no judicious man can blame me for accepting an office under an authority that was never disputed by any from whom I could be advised of the propriety or weight of the objections. I do acknowledge that some little time before I left England I heard of, and saw, some resolves which were said to be made by the House of Burgesses of Virginia; but as the authenticity of them was disputed, they never appearing but in private hands, and so often and differently represented and explained to me. I determined to know the real sentiments of my country men from themselves. And I am concerned to say that those sentiments, were so loudly and unexpectedly communicated to me that I was altogether unprepared to give an immediate answer to so important a point, for in however unpopular a light I may lately have been viewed, and notwithstanding the many insults I have from this day’s conversation been informed were offered me in effigy in many parts of the colony, yet I shall flatter myself that time will justify me, and that my conduct may not be condemned after being coolly inquired into.

The commissions so very disagreeable to my countrymen was solely obtained by the genteel recommendation of their representatives a General Assembly, unasked for; and though this is contradictory to publick report, which I am told charges me with assisting the passage of the Stamp Act, upon the promise of the commission in this colony, yet I hope it will meet with credit when I assure you I was so far from assisting it, or having any previous promise from the Ministry, that I did not know of my appointment until some time after my return from Ireland, where I was at the commencement of the session of Parliament, and for a long time after the act had passed.

Thus, Gentlemen, am I circumstanced. I should be glad to act now in such a manner as would justify me to my friends and countrymen here, and the authority which appointed me, but the time you have allotted me for my answer is so very short that I have not yet been able to discover that happy medium, therefore must intreat you to be referred to my future conduct, with this assurance in the mean time that I will not, directly or indirectly, by myself or deputies,

Mercer's speech was a genteel response. Caught between his duty to royal authority that appointed him and the sentiments of his Virginia homeland, he submitted to both. Paralyzed by his deference, Mercer could not resign without returning to England. Neither could he fulfill his appointment without the consent of Virginia's Assembly. His complete subjection to these "authorities" so satisfied the mob that "he was immediately born out of the Capitol gate, amidst the repeated acclamation of all present." The company proceeded down the street to "a publick house." Drums and French Horns saluted the redeemed Mercer. Bells rang at the Church and Capitol. The city was "illuminated" and Mercer retired to the tavern for "elegant entertainment" with a "number of Gentlemen."²³

Mercer's speech, no doubt, gratified Lee. It so closely resembled his own apology for the Stamp Collector. The public apology – imploring the crowd's forgiveness for his impropriety – was a victory for Virginians. Still, the Stamp Act was the law and until repealed by the House of Commons, Virginians acted in defiance of the law. Friday, November 1 (the day appointed for implementing the stamp duty) the Judges of the General Court met according to their usual schedule. "Proclamation

proceed in the execution of the act until I receive further orders from England, and not then without the assent of the General Assembly of this colony; and that no man can more ardently and sincerely wish the prosperity thereof, or is more desirous of securing all its just rights and privileges, than

Gentlemen, Your sincere friend, And obliged humble servant,
George Mercer.

²³ *Virginia Gazette*, ed. Royle, 25 October 1765, supplement, 3.

was made, and the Lawyers not appearing at the Bar to do any business excepting the Kings Attorney who was at his Place at the Table within the Bar; I [Fauquier] waited some time and then ordered proclamation to be made again once in the Cryers place and once at the Door.” Even then, “no Suiters” appeared to transact business with the court requiring the hated stamps. A large audience did attend, however, to see if Mercer and the Governor would implement the stamp tax.²⁴

The Governor called in “Colonel Mercer and asked him in open Court, whether he could supply the Court with proper Stamps that the Business might be carried on according to Law.” Mercer – true to his public declaration the previous night – responded “he could not.” The Collector of Stamps then offered his resignation. His words caught Fauquier off his guard, “but thinking my self obliged to give some answer, I said I did not think my self authorized to accept it.” Fauquier told Mercer he should resign “to those who had granted his commission.” The Justices then adjourned the court until its April session.²⁵

With the closing of the General Court, the scene again shifted to communities outside the capital city. During the spring of 1766, the Northampton Court resumed business as usual. Having decided that the Stamp Act was “arbitrary and illegal,” they resolved to “Show Br-t--n you have a sense of your wrongs.” Declaring it “unmanly”

²⁴ Francis Fauquier to the Board of Trade, Williamsburg, 3 November 1765, *Fauquier Papers*, 3: 1290-1293.

²⁵ *Ibid.*

and “ignominious” for Virginians “to yield to such impositions, which confirms on us the conditions of slavery,” they simply ignored the stamp duty and transacted business as if the tax had never been imposed.²⁶

At Norfolk the “Sons of Liberty” and “a considerable number of inhabitants of the town and county of Norfolk” met at the Courthouse on March 31. The gathering adopted seven resolutions opposing the Stamp Act. They declared, “if we quietly submit to the execution of the said Stamp Act, all our claims to civil liberty will be lost, and we and our posterity become absolute slaves.”²⁷

Over and over again Virginians declared that slavish submission to the Stamp Act was enslavement. By resolutely refusing to submit they maintained their liberty and they maintained their virtue. Unity was essential. One weakling emasculated the entire community. In the spring of 1766 it was again Richard Henry Lee who directed the most striking and vehement attack on those who would support the Stamps in Virginia.

Archibald Ritchie, a merchant who operated his store in Hobb’s Hole, attended a Richmond County court day sometime in the winter of 1765-1766. While there, Ritchie announced his intention “to clear out his Vessels on Stamp’d Paper; at the same Time saying, that he knew where to get such Paper.” Ritchie also declared “his Abhorrence of the Stamp-Act, and his strong Attachments to Virginia.” Though born

²⁶ *Virginia Gazette*, ed. Purdie, 4 April 1766, 2.

²⁷ *Ibid.*

in Scotland, the merchant “looked upon himself to be naturalized by his Connections.”

Willing “to serve his Country” by sacrificing profits, Ritchie stood to lose some twenty-eight hundred pounds sterling, a contribution he considered excessive. In the fall of 1765, the merchant, speculating in the market, purchased large quantities of grain from local planters, which now sat in his warehouse. It could not ship out without clearing on stamped paper. Ritchie supported a wife and five children, and a loss of this size would ruin him. He offered the grain for sale to Virginians, but found no takers. Export to Britain became his only alternative. The merchant had already decided to “forego all the Advantages of Profit he expected.” His only motive was divesting this financial encumbrance.²⁸

In a letter to Landon Carter on February 24, Richard Henry Lee commented that he “was greatly surprised, and equally disturbed at Mr. Ritchie’s declaration at Richmond Court.” Carter informed Lee that Ritchie recanted his statements. Lee expressed pleasure that “he repents of that dangerous step.” “The people” had demonstrated “great resentment” at Ritchie’s announcement. Lee was certain they would be “appeased, when Mr. Ritchie shall shew them in public his real sorrow for having offered so great an injury to the community, and convince them of his

²⁸ *Virginia Gazette*, ed. Rind, 16 May 1766, 1-2; and 30 May 1766, 2. See also, John C. Matthews, “Two Men on a Tax: Richard Henry Lee, Archibald Ritchie, and the Stamp Act,” *The Old Dominion: Essays for Thomas Perkins Abernethy*, ed. Darrett B. Rutman (Charlottesville: University Press of Virginia, 1964), 96-108.

determination not to make use of that detestable paper.”²⁹

Three days later, Lee set about calculating that demonstration of “real sorrow” for Archibald Ritchie. On the evening of February 27, Lee and “a Number of Gentlemen” met at Leed’s Town. They selected a committee to “regulate their Plan of Operations.” The committee developed six resolutions of association. Within several days one hundred and fifteen individuals signed the Westmoreland Association. The resolutions declared loyalty “to our lawful Sovereign George the Third.” They asserted, however, “the Birthright Privilege of every British Subject.” Virginians could not be taxed “but by Consent of a Parliament” in which they were “represented” by persons of their own choosing. Any slight against that basic principle was “the most dangerous Enemy of this Community, and we will go to any Extremity . . . to stigmatize and punish the Offender.” The Stamp Act was an illegal tax and the associators bound themselves together in resistance “by the sacred Engagement above.”³⁰

With the association adopted, the committee turned its attention to Archibald Ritchie. They prepared a declaration for Ritchie’s signature and oath. The merchant might resist, and they prepared for that possibility too. If Ritchie refused “to sign and make Oath,” to the association he was no better than a common criminal. As such,

²⁹ Richard Henry Lee to Landon Carter, Chantilly, 24 February 1766, *Letters of Richard Henry Lee*, 1:12.

³⁰ *Virginia Gazette*, ed. Rind, 16 May 1766, 1-2.

“his Person should be taken and stripped naked to his Waist, tied to the Tail of a Cart, and drawn to the public Pillory, where he should be fixed for one Hour, and if in that Time he did not comply, that he should be brought up by the whole Company to Leed’s-Town there to be farther determined on” by “the Friends of Liberty.”³¹

The next day, February 28, between three and four hundred associators traveled to Hobb’s Hole and formed in two lines on the main street of the small community. Lee and the other “Gentlemen appointed by the Committee” went to Ritchie’s house. They read the declaration for him and demanded his presence before the “main Body, in order to read, sign and swear” the declaration. Ritchie requested they appoint a committee to negotiate with him on the provisions of the declaration, but the associators stood their ground. “The Deputies informed him, that the Expiation required of him, was already determined on; and demanded an immediate Answer.” No doubt, they also informed the merchant what would happen if he refused. Ritchie relented and walked with the committee down the street. Once “in the Presence of the whole Company” he “complained that the Terms proposed were too severe.” The associators called back at him that the declaration was just and “after some little Hesitation,” and undoubtedly some fear for his safety, Ritchie agreed. “With his Hat off, and with an audible Voice” he read and then swore his oath to the declaration.

Sensible now of the high Insult I offered this Country, by declaring at Richmond Court lately, my Determination to make use of Stamp’d Papers, for clearing out my Vessels; and being convinced, such

³¹ *Ibid.*

Proceeding would establish a Precedent, by which the hateful Stamp-Act might be introduced into this Colony to the utter Destruction of public Liberty; I do most submissively, in Presence of the Public, sign this Paper, meaning to shew my deep Remorse for having formed so [illegible] a Design; and I do hereby solemnly promise, and swear on the Holy Evangelists, that no Vessel of mine shall sail, cleared on Stamp'd Paper, and that I never will, on my Pretence, make use of, or cause to be made use of, Stamp'd Paper unless the Use of such Paper shall be authorized by the General Assembly of this Colony.

Archibald Ritchie.³²

Robert Wormley Carter attended Hobb's Hole as an associator. He expressed surprise that Ritchie delivered the address "in the most impudent way I ever saw anything done; altho' surrounded by about 300 men who were . . . most all well armed." Given the armed crowd, this tone of voice was the only way Ritchie could even attempt expressing resentment for the associators and their coercive measures.³³

Richard Henry Lee and the associators did not press Ritchie on his impudence. Having accomplished their purpose they dispersed. "Those in the Neighbourhood returned to their respective Habitations." Others retired to the taverns and "spent the Evening with great Sobriety." They deemed the whole affair a success "conducted with so much Decency and discretion, that not a single Man even attempted to introduce Drunkenness, Noise or Licentiousness, amongst them." They, by their estimate, did not act as a mob. The citizens of the Northern Neck, in concert, forced

³² *Ibid.*

³³ "Diary of Robert Wormley Carter, 1766," (Swem Library, College of William and Mary, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm Typescript TR08).

Ritchie into compliance, but they generally acknowledged Richard Henry Lee as leader and instigator. The Ritchie affair was a strike against the Stamp Act. It was also an important statement about the community.³⁴

The attack on Ritchie was in keeping with the Wilkite tone of the Westmoreland protests. Scottish merchants were a constant reminder of the gentry's economic decline and loss of control over the colony's economy. This attack against Ritchie acted out the animosity between gentry and foreign merchant. The crowd confronting Ritchie was not composed solely of gentry, though. It included as well, small planters, tradesmen, Virginia merchants, and foreign Scots merchants. The issue of the Stamp Act galvanized a large portion of Virginia society. Lee used the Westmoreland Association and the Ritchie confrontation to consolidate a broad base of popular support. Despite his success and service to the community, some suggested Lee's actions arose not from the sense of duty and liberty he espoused but from ulterior motives.

John Robinson's term as Speaker of the House had concluded in the fall of 1765. At the next meeting of the Assembly, in November 1766, the first order of business would be the election of a Speaker. Fauquier believed this upcoming election

³⁴ *Virginia Gazette*, ed. Rind, 16 May 1766, 1-2; and *Virginia Gazette*, ed. Purdie and Dixon, 3 October 1766, 1-3.

This mixed gathering was orchestrated and controlled by gentry leaders. Their "decency and discretion" amplified the legitimacy of their actions and expressions. It expressed the belief that justice and security were maintained directly by the people. See Maier, *From Resistance to Revolution*, 272-287 and Pauline Maier, "Popular Uprisings and Civil Authority in Eighteenth-Century America," *William and Mary Quarterly*, 3d. ser., 27 (January 1970): 3-35, on the legitimate use of mobs and violence.

spurred Richard Henry Lee on to his vehement Stamp Act opposition. Though Ritchie “acted impolitickly and . . . has suffered severely for his imprudence,” Lee used the Stamp Act, opposition to Mercer, the Westmoreland Association, and the harassment of Ritchie as the “likely means” of seating himself in the Speaker’s chair.³⁵ Lee’s method was unusual, however. Electioneering for the position generally rested in the patronage system. The proven method involved courting favor with powerful associates and peers in the House, as well as soliciting recommendations from the Governor and councilmen. Lee threw the forum open to the general populace. Placing himself at the forefront of that movement, Lee sought a popular acclamation to influence the vote of burgesses. It was a bold step, but Lee learned how precarious was popularity with the people.

The Stamp Act thrust Lee into the spotlight. Acclaimed as a hero by some, Lee also cultivated powerful political enemies. The most vehement were John and James Mercer. Lee’s attacks on John’s son, George Mercer, Collector of Stamps, galvanized public opinion. That public opinion led directly to the collector’s resignation. George Mercer returned to Britain, and, taking Fauquier’s advice, offered his resignation directly to those London officials who granted his commission. His father, John Mercer, rallied his son’s defense in Virginia and attacked Lee. The timing of that attack took advantage of a rumor that began circulating in February 1766 when the

³⁵ Francis Fauquier to the Board of Trade, Williamsburg, 7 April 1766, *Fauquier Papers*, 3:1352-1383.

Westmorelanders gathered and formed their Association. While the band of three to four hundred associators gathered at Hobb's Hole, word spread that Richard Henry Lee, in the fall of 1764, had submitted an application soliciting the Collector of Stamps position. The rumor proved true.

In a series of letters published in the *Virginia Gazette*, John Mercer and eldest son James Mercer defended George's reputation, skillfully turning the tables on Lee. The defense of George Mercer was simple and direct. They touted Mercer's service to Virginia during the Seven Years War as a Lieutenant Colonel in the provincial regiment. The Virginia General Assembly held Mercer in such high esteem when he left Virginia they "were pleased to recommend him to their Sovereign in the most genteel terms, and also desired their Agent to assist him as far as might be in his power." George Mercer traveled to Britain in July of 1763, long before any rumblings of a stamp tax. In the fall of 1764, George Mercer traveled in Ireland. On returning to Britain, he discovered that Parliament had passed the Stamp Act into law. Further, the Virginia Agent had successfully nominated Mercer for the position of Collector, "an office then thought to be as genteel as profitable." Thus, George Mercer stumbled into a potentially lucrative position. He had not solicited the position. It was a reward granted by the Crown recognizing his faithful service. Living outside Virginia at the time, Mercer did not know until after his appointment that the Stamp Duty was such a controversial law for Virginians.³⁶

³⁶ *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 1.

The Mercers charged that Richard Henry Lee privately solicited the collector's position and that his letters to friends in England soliciting the position dated "from the city of Williamsburg, some days after the General Assembly of this colony had resolved to remonstrate against the act" in November 1764. Colonel Richard Corbin, Receiver General for the colony, offered assistance and influence on behalf of Lee's application. The collector's position was profitable, and the Mercers speculated that Lee's "small estate" and "large family" required the support. Lee learned in July 1765 that he had not been selected. It was then, the Mercers charged, that he did "change his dress, and take upon himself the outward apparel of a Son of Liberty." How cleverly the trappings of Lee's gentry station disguised his true nature from the people. Lee was such a successful chameleon that the public identified him as the primary champion of Virginia's liberty. The charlatan endeared himself to the people. The Mercer revelation displayed Lee's true motive: self-interest. Mercer did not fault the public. Normally a good judge of character, it was impossible for Virginians "to decipher the said R-- H-- L--'s hieroglyphical conduct." Mercer censured Lee for compromising the people's trust "to the total discouragement of all publick virtue." If his verbal assertion was not enough, Mercer offered to produce copies of the Lee letters and prove his charges.³⁷

The censure was too great and forced Lee into a public explanation of his behavior. In a letter dated July 25, 1766, and published in *The Virginia Gazette*, Lee

³⁷ *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2; and 25 July 1766, 2.

laid out his defense; it was weak and sounded more like a confession. Lee asserted that he first learned of the stamp duty early in November 1764. About the same time a gentleman of Virginia presented him “with a friendly Proposition . . . to use his Interest for procuring me the Office of Collector.” Lee recalled that he “agreed the Gentleman should write, and did also write myself.” Suitably hazy about dates, Lee implied that his interest in the position came before his appointment to the committee for drafting a protest memorial to King, Lords, and Parliament. “It was but a few Days after my Letters were sent away, that reflecting seriously on the Nature of the Application I had made; the Impropriety of an American being concerned in such an Affair, struck me in the strongest Manner.” At that point, Lee exerted “every Faculty I possessed, both in public and private Life, to prevent the Success of a Measure I now discovered to be in the highest Degree pernicious to my Country.” Lee insured an unsuccessful application by not sending duplicates of his letters. Consequently, his patrons and advocates in Britain did not receive his application “until many Months after the Appointment of a Distributor was made.” He hoped this proved how he “operated (as far as my Powers could make it) to prevent my Success.”³⁸

With this weak defense, Lee pleaded that the public review his record as “the clearest Proof of the Rectitude of my intentions.” He reminded Virginians of his service as a Burgess. As a member of that House he played a key role developing the November 1764 “Address to his Majesty, for the Memorial to the Lords, and the

³⁸ *Virginia Gazette*, ed. Rind, 8 August 1766, 2.

Remonstrance to the House of Commons.” Lee did not recite his role in burning effigies, the Westmoreland Association, or the Ritchie affair. No doubt, he hoped that if he did not rub salt in those wounds he would avoid another attack from the Mercers. But his enemies proved more vindictive.³⁹

Having forced Lee’s public admission the Mercers moved in for the kill. Analyzing every action and motive they pursued the gentleman that John Mercer now referred to as “Bob Booty.” Emboldened by their successful attack, they also pursued each of the anonymous *Virginia Gazette* editorialists who had condemned George Mercer and praised the veracity of Richard Henry Lee. Family honor redeemed, James Mercer concluded with the presumption that “the publick will be soon furnished with an apology from the Westmoreland Colonel.” He then offered these cautionary words.

Richard stand for, I dare thee to be try’d
In that great court where conscience must preside;
At that most solemn bar hold up thy hand,
Speak, but consider well, from first to last
Review thy life, weigh every action past.⁴⁰

As John Mercer broadened his attack, he discredited the political faction of friends and supporters he dubbed “Bob’s gang.” Lee and his supporters were like wolves in sheep’s clothing. His popular appeal disguised reality. He led a gang composed of self-serving Virginia gentry. The education of these gentlemen began “in

³⁹ *Virginia Gazette*, ed. Rind, 8 August 1766, 2.

⁴⁰ *Virginia Gazette*, ed. Purdie and Dixon, 26 September 1766, 1-3 and 3 October 1766, 1-3.

a Negro quarter” not in the world of rational thought and Christian discipline. Bob’s gang, men of leisure, lived off the labor of others, black and white. Their idle gambling, drinking and consorting squandered the wealth to which they were born. Worse, their self-indulgence squandered the good will and trust of the community that had depended on them. These privileged men scorned the middling and common Virginians they manipulated. Lee was the worst of them all. Having devoted his private life to indulging his passions and his public life to selfish ambition, Lee did not deserve the respect accorded to a gentleman.

In contrast, Mercer extolled tradesmen as “more beneficial members of society, and more likely to make a fortune, with credit” than Bob’s gentry. Those “Gentlemen” with their “laced jackets attended for improvements at ordinaries, horse races, cock matches, and gaming tables,” not honest work and labor. Mercer also declared support for the Scottish merchants that Lee’s gentry vilified. Foreign merchants were hard-working contributors to society, not parasitic gentry. Virginia was “indebted to the Harp and Bagpipe for the trade they have promoted here.” He urged cooperation and support between Virginia planters and foreign merchants. It would “much better become you to add your Banjar to the concert than disturb a harmony that ought by no means to be interrupted.”⁴¹

No further response or apology appeared from Richard Henry Lee. News of the Stamp Act repeal arrived in Virginia during the spring of 1766. Celebrating the victory

⁴¹ *Virginia Gazette*, ed. Purdie and Dixon, 26 September 1766, 1-3.

did not heal the wounds that gentry leaders had inflicted on their own peers. The controversy between the Mercers and the Lees split the gentry. Each side had worked to rally middling and lower folk to their aide. Lee's assemblies and pageants in Westmoreland County attacked the Mercers with effigies, fires the rousting of merchants. But Mercer's counter attacks hit hard at the foundation of gentry elitism and incorporated strong themes that resonated with middling and lesser Virginians. Criticizing the self-indulgent drinking, gambling and whoring of Virginia's gentry, Mercer struck a sympathetic chord with evangelical movements emphasizing abstinence and self-restraint. And Mercer's praise of Scottish merchants and the hard working middling tradesmen of the colony placed an emphasis on investment and hard work for the future of Virginia, not gentry exploitation. Richard Henry Lee had hoped to challenge John Robinson in the next election for Speaker of the House of Burgesses, but Bob Booty was no longer a viable candidate for the Speaker's Chair. As the election neared, John Robinson's death and new revelations refocused public attention on the abuses of its past incumbent.

CHAPTER VI

THE EMBEZZLER.

Virginians may have questioned the motives of Richard Henry Lee. His popularity certainly suffered, but in the end his crime was little more than poor judgment. As the next scandal unfolded, however, it revealed more than indiscretion. It unmasked one of Virginia's great and most trusted gentlemen. Behind the gentry facade Virginians discovered an embezzler who saw himself and others of his station as privileged above other men, indeed above the laws of men. His example distressed the constituents of Virginia and they coordinated their response, demanding safeguards to prevent future abuses.

Sunday, May 11, 1766, Speaker of the House and Treasurer, John Robinson, Esquire died. As "Member of the General Assembly for the county of King and Queen," his death ended almost thirty years of tenure as Speaker of the Burgesses. During those three decades Robinson knew three Lieutenant Governors. He worked well with Lieutenant Governors William Gooch (1728-1749) and Francis Fauquier. It was Robert Dinwiddie (1751-1758) with whom Robinson ran afoul. Lieutenant Governor Dinwiddie and Speaker Robinson clashed over the Pistole Fee instituted in 1752, and the Governor never forgot the way Robinson "behaved with great Warmth and ill Manners." Throughout the mid-century war with the French, the two gentlemen

played out their animosities in the Robinson-controlled General Assembly. The House's responsibility for military appropriations guaranteed executive dependence on the legislature and prompted the observation that while Dinwiddie oversaw administration of the colony, Robinson ruled the government. The Speaker managed the House with an iron hand. "Whatever he agreed to was Carried and whatever he Opposed dropt," observed Landon Carter. Legislative prowess, combined with Robinson's responsibility for the colony's purse, made this gentleman a singularly powerful force in Virginia's government. In 1754, Dinwiddie initiated a major attack on his adversary with an active campaign for separating the offices of Speaker and Treasurer.¹

His first opportunity came in the 1756 House session. Dinwiddie was unsuccessful. The House reelected Robinson to the Chair and, contrary to the Governor's wishes, reappointed their Speaker to the post of Treasurer. When Dinwiddie objected, Burgesses made noises about refusing his request for war funding. Dinwiddie relented and consented to the appointments for another term. Conflict lingered, even after Dinwiddie's return to Britain. In London, the former Governor convinced the Board of Trade that separation of offices was essential for regulating the Assembly "in a more Constitutional Method." The new Lieutenant Governor, Francis

¹ Jack P. Greene, "The Attempt to Separate the Offices of Speaker and Treasurer in Virginia, 1758-1766," *Virginia Magazine of History and Biography*, 71 (January, 1963): 11-13; Billings, Selby, and Tate, *Colonial Virginia*, 256-257; *Virginia Gazette*, ed. Purdie, 16 May 1766, 2; Robert Dinwiddie to the Board of Trade, 10 May 1754; Dinwiddie to James Abercromby, October 23, 1754; Carter, *Diary*, 1: 83.

Fauquier, sailed to Virginia in 1758 carrying instructions from the Board. Though charged with accomplishing the separation, Fauquier was astute. He quickly realized that this change attacked the core Virginia leadership, and he did not relish the inevitable political retaliation by the Burgesses.

The new Governor pleaded the “Difficulty” of his position to the Board of Trade. Caught between the Board and Virginia politicians, Fauquier practiced the fine political art of evasion. He could not separate the two offices because linking them “has been a Custom of so long standing and the present Gentleman is so popular.” Fauquier described Robinson as “the most popular Man in the Country: beloved by the gentlemen, and the Idol of the people.” While holding off the Board of Trade, the politician also worked the Virginia side of the fence. Realizing he needed the support of Robinson and the House, Fauquier addressed his dilemma directly to the Speaker. In a frank discussion the Governor laid out his instructions for the Speaker. Fauquier’s candor impressed Robinson. The Board of Trade was less impressed. Again, in 1759, the Lords reiterated that the offices should be separated. They acknowledged the practice was “warranted by long usage or the acquiescence of the Crown in the Acts which have been passed since 1738.” Still, the practice “is both irregular and unconstitutional, . . . that a Governour ought not to give his assent to any such Acts for the future if it can be refused without manifest prejudice to His Majesty’s Service.”²

² Greene, “Attempt to Separate,” 13-15; Dinwiddie to James Abercromby, 23 October 1754, *Official Records of Robert Dinwiddie* 1: 373-376; Fauquier to Board of Trade, 11 June 1758, 28 June 1758, 10 April 1759 and 14 January 1759, *Fauquier Papers* 1: 23-25, 43-45 and 204-206.

Fauquier continued his support of the incumbent, maintaining “that it will always be impracticable to separate the Offices of Speaker and Treasurer during the Life of Mr. Robinson.” He celebrated Robinson’s ability, describing him as “a Man of Worth, Probity and Honor; the most beloved both in his public and private Character of any Man in the Colony.” Robinson was “the Darling of the Country, as he well deserves to be for his great integrity, assiduity and ability in business.” The Speaker did not rule the House unopposed, but he was a consummate politician who skillfully manipulated his resources to the admiration of both adversaries and supporters. Governor Fauquier and the Speaker’s allies in the House celebrated Robinson’s service right up to his death in 1766. The obituaries evoked the same themes of fiscal integrity, public service and private virtue. This was the John Robinson celebrated in his obituary, a man of “sufficient ability, and equal dignity.” Death deprived the public “of a most useful servant” and a man whose private life exhibited “many amiable virtues.” “His friends, dependents and acquaintances,” consecrated his memory. The passing of this eminent legislator was “a calamity to be lamented by the unfortunate and indigent who were wont to be relieved and cherished by his humanity and liberality.”³

With the legislature out of session, the succession of the Speaker’s Chair was not an immediate problem. The election of a new Speaker would be the first order of business for the November 1766, meeting of the House, but the colony could not

³ Fauquier to Board of Trade, 23 September 1758, and 10 April 1759, *Fauquier Papers*, 1:74-77 and 204-206; *Virginia Gazette*, ed. Purdie, 16 May 1766, 2.

function without an interim Treasurer. The Governor was empowered to appoint a temporary Treasurer in the “Case of Death or Resignation” of the incumbent who would serve until the House elected a replacement at its next meeting. Fauquier’s preference for the post was the Attorney General, Peyton Randolph, “one of the foremost to promote his Majestys Service in all the Requisitions of the Crown,” but in the volatile political atmosphere, Randolph was an unwise choice. The law required that an interim Treasurer appointed by the governor resign his seat in the House and thus become ineligible for the Speaker’s Chair. But Randolph was one of the two leading candidates for the Speaker’s Chair. The other was the “charlatan,” Richard Henry Lee. If Fauquier appointed Randolph Treasurer, Lee would succeed Robinson as Speaker. Fauquier doubted that Lee would pursue “his Majestys” interest, given his prominence in the Stamp Act opposition. The election of Richard Henry Lee would increase tensions in an already volatile and adversarial House. Therefore, Fauquier passed over Peyton Randolph, permitting the Attorney General an unencumbered pursuit of the Chair at the next session. Fauquier’s second choice was James Cocke, clerk of the Treasury. It was a pragmatic choice. Cocke “transacted the whole Business of the Office with great Reputation for many Years.” His appointment provided some continuity to the operation until the Assembly selected a new Treasurer.⁴

Within the next few days, however, Fauquier changed his mind. Sometime between May 11 and May 20, Robert Carter Nicholas, eminently qualified for the post,

⁴ Francis Fauquier to the Board of Trade, Williamsburg, 11 May 1766, *Fauquier Papers*, 3:1359-1361.

waited on the Governor and requested the position. The Burgess was “a Gentleman of unexceptionable Character.” By profession a lawyer, Nicholas represented merchants in their suits before the General Court. He was quite successful collecting the debts owed British merchants. As a Burgess he served on numerous financial policy committees that acquainted him with the all facets of Virginia’s currency practices. He willingly resigned his seat in the House, a seat he had just regained after a five year hiatus. Fauquier, with “the Advice of the Council . . . nominated Mr. Nicholas to succeed to the late Mr. Robinson till a Treasurer is appointed by Act of Assembly.” Fauquier was well aware that Nicholas had long been an opponent of the Randolphs. The selection of Nicholas as interim Treasurer pitted the two factions against each other. Immediately, rumors began circulating that Nicholas and his “friends who are pretty numerous will endeavour to divide the Offices of Speaker and Treasurer to secure the last to their Friend,” and deny Peyton Randolph the dual appointment. Fauquier now announced to the Board of Trade that he would “with pleasure lay hold of this Opportunity, if possible, to effect” the separation. The governor could not have known how volatile that confrontation would become.⁵

Nicholas issued a public announcement of the appointment on May 21. He pledged “a firm unalterable resolution to exert my utmost endeavours to do equal justice to my country and to the memory of my late worthy predecessor.”

⁵ Joseph Albert Ernst, “The Robinson Scandal Redivivus: Money, Debts, and Politics in Revolutionary Virginia,” *Virginia Magazine of History and Biography*, 77 (1969): 157-158; Francis Fauquier to the Board of Trade, Williamsburg, 22 May 1766, *Fauquier Papers*, 3:1361-1362.

Acknowledging that he had not fully examined the state of the treasury, he communicated his understanding “that many sheriffs, as well as others, are greatly in arrear.” Nicholas called on them “in the warmest and most earnest manner to come to immediate settlements.”⁶

Increasing the treasury’s cash flow would certainly help, but Nicholas must have known that the issues were more serious than that. Problems with the treasury went back more than ten years. In 1754 the treasury failed to meet all its cash payments. The following June, her treasury insolvent, Virginia was unable to raise funds to support Braddock’s expedition to the Ohio. It was then that burgesses turned to the issuance of treasury notes. Between June 1755 and the close of 1764 Virginia released nearly £540,000 in paper notes. By conservative estimates, £230,000 still circulated unredeemed in 1764.⁷

In practice, the Treasury issued paper money secured against the receipt of future taxes. While an extremely practical measure for raising wartime cash quickly, the measure presented continuing problems. Finding themselves with insufficient tax revenues, burgesses authorized the issuance of new notes covering the redemption of old. This was not a problem unique to Virginia. Other colonies found themselves in similar straits. With this variety of currency in circulation, Virginia needed a system of

⁶ *Virginia Gazette*, ed. Purdie, 23 May 1766, 3.

⁷ Ernst, *Money and Politics*, 44-47. In his Appendix 1, Ernst provides a list of the various colonial paper money emissions with estimates on the amounts remaining in circulation. See page 370.

strict controls to retire old notes. If, through loss or fraud, old currency remained in circulation along with the new issues, the colony could find its debt doubled or even tripled. During the fall of 1759, the Council recommended measures insuring the destruction of notes redeemed by the Treasury.⁸

In the House of Burgesses, party factionalism dominated paper currency questions. Robinson, along with other established families living below the Rappahannock River often found their interests at political and economic odds with the planters of the Northern Neck. Tidewater and Piedmont planters, for example, supported measures to raise tobacco prices by controlling production while Northern Neck landowners resisted the stint law of 1723 and the tobacco inspection act of 1730. Another major contention between the factions fomented on the issue of western lands. Northern Neck planters, led by Thomas Lee, envisioned the Ohio Company, an aggressive westward expansion in which Virginia would dominate the West at the expense of French and, for that matter, Pennsylvania land claims. Opposition from Tidewater and Piedmont planters led by Robinson, favored a more traditional land speculation policy for uncontested lands just west of the Blue Ridge. These differences set the tone for Virginia's mid century politics. Ironically, it was the ambitions of the Northern Neck faction that led to the war with France and made Virginia's paper money policy necessary.⁹

⁸ Ernst, "Robinson Scandal Redivivus." 147-149.

⁹ Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca: Cornell University Press, 1988), 87-101.

From his first election as burgess in 1758, and following the disposition of his father Thomas Lee, Richard Henry Lee set himself in opposition to Speaker Robinson. In the 1760 and 1762 Assemblies, Richard Henry Lee had challenged Speaker Robinson by pushing through measures that gave the House oversight of redeemed paper currency. Once received by the Treasury, a House committee accounted for and destroyed the notes. Robinson and his supporters opposed these measures, deeming this type of management a reflection on the character of the Speaker/Treasurer. In 1763, Lee continued his opposition to Robinson, demanding an investigation of the Treasury. He reported to the House a deficiency “sufficient to alarm not the merchants of Britain only, but every thinking person.”¹⁰

Robinson, the consummate politician, responded by placing Lee on a committee for examining the treasury. Lee also received the honor of drafting a report to Governor Fauquier on the Treasury’s condition. The less-experienced legislator found himself in a skillfully laid trap. If he reported to the Governor a discrepancy in the Treasury caused by inconsistencies in the redemption of paper currency, the report would bankrupt the colony and ruin many of Virginia’s leading citizens. Lee and the investigating committee encountered problems in the treasury accounts. It is not clear that they understood how the discrepancy occurred or that Robinson had been loaning treasury notes to his supporters and associates. If the committee did discover the

¹⁰ Ernst, “Robinson Scandal Redivivus,” 149-150; and Edmund Randolph, *History of Virginia*, 174, Jack M. Sosin, *Agents and Merchants: British Colonial Policy and the Origins of the American Revolution 1763-1775* (Lincoln: University of Nebraska Press, 1965), 22-23.

embezzlement, they did not publicly confront Robinson. They reported a discrepancy of £40,000 but labeled it a receivable due from several sheriffs. They exonerated Robinson and projected sufficient taxes for the redemption of all outstanding notes.¹¹

Then, in December 1764, Governor Fauquier called in for redemption £212,000 of the notes issued in 1757 and 1758. After March 1, 1765, Fauquier's proclamation declared, the 1757 and 1758 notes no longer served as legal tender. Unfortunately, as currency arrived, the Treasury proved insufficient by approximately £50,000. The problem of the Treasury, widely discussed, caused "a great deal of noise amongst the Trading people." Sterling exchange rates reached an all time high in April 1765. Many blamed the House of Burgesses' huge wartime currency issues and Robinson's mismanagement of the treasury. Prevailing opinion held that Robinson's generous nature led him to leniency with the true culprits. Sheriffs and others responsible for collecting taxes, the merchants believed, illegally lent out money they collected. Robinson overlooked and tolerated the practice. Consequently, many Treasury notes were "still . . . in circulation" and could not "be commanded at pleasure." Receiver General Richard Corbin was far more concerned. "This has the Appearance of a Bankruptcy."¹²

¹¹ Ernst, "Robinson Scandal Redivivus," 149-150; and Ernst, *Money and Politics*, 74-75.

¹² Proclamation [21 December 1764] *Fauquier Papers*, 3:1198; Richard Corbin to Osgood Hanbury, 31 May 1765, Letter Book of Richard Corbin; William Allason to Alexander Walker, 21 May 1765, Letter Book of William Allason, 1757-1770; Ernst, "Robinson Scandal Redivivus," 151-152. Ernst, *Money and Politics*, 65-70, discusses the relationship between paper currency and sterling exchange rates. According to Ernst,

The House took up the problem of funding the treasury deficit in the spring 1765 session, but came to no agreement. The problem frustrated legislators. Dissolved following Henry's Stamp Act Resolves, the Assembly returned home without a solution. It is not clear whether the Burgesses, Council, or Governor understood the real reasons for the Treasury shortfall, namely, that Robinson had maintained his political coalition by using public funds. For several years selected Burgesses and Councilmen received loans from Robinson. Each individual favored with Robinson's patronage knew the extent of his own indebtedness. Did they understand how many of their peers received similar loans or the total extent of monies Robinson doled out to his favorites? The public seldom discovers embezzlers as long as they maintain control of the accounts and manipulate the balances. Consequently, not until the Speaker's death did the full extent of the embezzlement begin to unfold.¹³

(page 370) Virginia issued a total of £268,963 in currency for the years 1757 and 1758.

¹³ Ernst, "Robinson Scandal Redivivus," 154-155.

Commentators at the time disagreed on the nature of Robinson's indiscretion. Some expressed certainty that Robinson had full intention of collecting each loan and that there was nothing improper. Others expressed concern that he provided loans only to his select supporters, thus making the loans "improper." There were those that charged the Speaker with embezzlement. Buckskin (Landon Carter) accused Robert Carter Nicholas of being one of those who tainted the Speaker's "memory" with "the slur of embezzlement." *Virginia Gazette*, ed. Purdie and Dixon, 1 August 1766, 2. In his reply, Nicholas stated he did not think the Speaker "had 'embezzled' the publick money." Nicholas was certain Robinson had every "intention to charge himself with every shilling." *Virginia Gazette*, ed. Purdie and Dixon, 5 September 1766, 1-3. The next month "Freeholder" described a gathering of gentlemen who "with great freedom" expressed anger that Robinson had "dared to embezzle the public money." *Virginia Gazette*, ed. Purdie and Dixon, 17 October 1766, 1-2.

After Robinson's death Robert Carter Nicholas began unraveling Robinson's liberal use of Treasury money. Members of the Council owed the estate some £15,600. Current and former Burgesses accounted for more than £37,000. Together this was nearly half the Treasury deficit. William Byrd III held the single largest debt, £14,921. Bernard Moore, King William County Burgess owed £8,500. The Lead Mine Company, a Robinson, William Byrd, and John Chiswell partnership, had received £8,085. Archibald Cary, who in 1765, reported to the House committee auditing the Treasury Notes that the accounts were in order, owed £3,975. The list of significant debtors was a who's-who of the Robinson party. The Speaker's favor slighted his political adversaries. Patrick Henry, Henry Lee, Richard Lee, and Richard Henry Lee, only owed the estate amounts ranging between £11 and £30 each. To make the problem worse, accounting for the loans was extremely difficult. Robinson kept few records and Nicholas did not have a clear trail to follow. At times the Speaker purchased lands and slaves from his friends with the expired notes. Sometimes, Robinson purchased property and then permitted individuals to remain in possession.¹⁴

In accounting for the missing Treasury funds, lines between the Colony's Treasury and Robinson's personal estate blurred. The Governor held bonds, signed by Robinson, "with the best security in the Colony for the due execution of his office." Consequently, the colony attached the Robinson estate for payment of the Treasury deficit and executors went about the business of collecting the estate's obligations. The

¹⁴ Mays, *Pendleton*, 1: 181-185, 358-369. *Journal of the House of Burgesses of Virginia 1766-1769*, 67.

magnitude of the problem became evident as Nicholas and executors assessed Robinson's assets. Estate debt (treasury accounts and personal accounts) held a total liability exceeding £190,000. They estimated the estate owned real property valued at approximately £20,000. The discrepancy was staggering. When the House convened in November 1766, a committee recommended repaying the Treasury debt in installments, one third each year for three years. This schedule insured the Treasury's repayment before October 1769 when the latest issuance of paper currency came due. The ambitious repayment schedule proved impossible. The estate collected only £2,439 in 1766; £6,198 in 1767; £4,702 in 1768 and £16,260 in 1769. The four-year total fell short by one installment.¹⁵

On June 13, 1766, three administrators of Robinson's estate, Peter Randolph, Edmund Pendleton, and Peter Lyons informed "all persons indebted" to the estate "that they must make immediate payment." They reminded debtors that "The deceased Gentleman, in his lifetime, from a goodness of heart and benevolent disposition peculiar to himself could not resist the importunities of the distressed." "Rather than suffer the estate of their friend to be distressed for the payment of their debts," they hoped that individuals would step forward quickly and settle their accounts.

It was not that simple. The complicated and intricate set of individual relationships running through Virginia's economic and patronage systems insured a

¹⁵ *Journal of the House of Burgesses of Virginia 1766-1769*, 66-67; Mays, *Edmund Pendleton*, 376-377; Francis Fauquier to the Earl of Shelburne, 10 December 1766, *Fauquier Papers*, 3:1411.

ripple effect throughout every level of society. To pay obligations, principal debtors called in the loans they had extended to others. These debtors, in turn, scrambled to keep themselves solvent. Planters, merchants, and tradesmen tried to turn their assets into cash accounts. Tenants lost landlords. Land, slaves, and personal property went to the auction block. A year later executors lamented that the desperate situation had “little effect” on the debtors. They had hoped debtors would rally to save the reputation of the deceased “Gentleman for breach of duty in the loan of the publick money.” Debtors showed so little “regard for the memory of their deceased friend, who assisted them in their distress, at the risk of his fortune, and loss of his reputation,” that executors announced “compulsory methods” for the collection of the debts.¹⁶

The impact of the Robinson affair on the Virginia economy, though significant, did not match the criticism heaped on Virginia’s political elite. Colonial leadership split into factions. The Robinson party, now headed by Peyton Randolph, supported Randolph as the leading candidate for the Speaker’s chair. Randolph skillfully removed himself from the fray, encouraging supporters who expressed his views. Robert Carter Nicholas became the opposition spokesman. Overcome by the huge task before him as interim Treasurer, he led the attack against the Robinson faction. The primary objective of Nicholas and his supporters was separation of the Speaker’s Chair and the Treasury.

¹⁶ *Virginia Gazette*, ed. Purdie, 13 June 1766, 3; and 17 September 1767, 2.

For Nicholas, the Robinson scandal exemplified the dangers of investing too much power in the hands of a few. In an open letter to the *Virginia Gazette*, Nicholas charged that “manifest inconveniences . . . attended the union of these offices.” He charged that “The good intentions of our Assembly to support the credit of our currency” were “in a great measure defeated by a strange kind of misconduct.” His long history of the Assembly’s attempted regulation of treasury notes enumerated the warning signs evident to the Assembly and Virginia merchants. The substance of his accusation charged that Burgesses ignored or improperly investigated these signs because the “Chair” exercised “undue influence.” Wielding his power as Speaker, Robinson formed a political coalition that prevented discovery of the Treasury embezzlement. Nicholas expressed concern that he might “offend the delicacy of some . . . who think themselves accused even of bribery and corruption,” but his message was clear. He deplored the actions of Robinson and his “friends.” It was an “utter abhorrence.” Robinson employed a “base and dishonourable means of establishing an interest” and patronage. Avoiding this danger in the future required separation of the two positions.¹⁷

The debate, launched by Nicholas, soon engaged others. “An Honest Buckskin” replied by labeling Nicholas an alarmist. Clinging to the image of the virtuous Robinson, Buckskin (Landon Carter) countered that “mismanagement proceeded from nothing fraudulent in the Gentleman, but from that humane disposition

¹⁷ *Virginia Gazette*, ed. Purdie and Dixon, 27 June 1766, 1-3.

of charity, so recommended by Christianity to be concealed from vain ostentation.” Buckskin, a Burgess himself, committed his vote for continuing the dual appointment. However, he also gave credit to Nicholas’s abilities. If the Assembly passed a bill separating the offices, Buckskin declared his support of Nicholas’s candidacy for Treasurer.¹⁸

Resolution of political issues might correct the abuse of political power evident in the embezzlement, but Virginians also analyzed Robinson’s misconduct and identified other social problems. In August of 1766, John Wayles, a lawyer acting as agent for the British merchant firm of Farrell and Jones, discussed the profound changes in Virginia society over the past twenty-five years. In 1740, planters had “little or no Credit” and merchants provided “nothing in Advance.” The economy operated simply and directly “so no Perplexity could Arise.” In those days a debt of one thousand pounds “was looked upon as a Sum imense and never to be got over.” Twenty-five years later Virginia’s gentry considered “Ten times that sum . . . with Indifference & thought no great burthen.” These debts reflected an increase in wealth: “Property is become more Valuable & many Estates have increased more then tenfold.”¹⁹

“But then Luxury & expensive living have gone hand in hand with the increase in wealth,” Wayles observed. Luxury, the genteel lifestyle, became possible “in great

¹⁸ *Virginia Gazette*, ed. Purdie and Dixon, 1 August 1766, 2.

¹⁹ Wayles, “John Wayles Rates his Neighbours,” 302-306.

measure owing to the Credit which Planters have had from England.” Now, many gentry found themselves over-extended. They manipulated debt and delayed their creditors for the purpose of continuing their genteel lifestyle. Gentry appearance was, for many, more important than the accompanying responsibility for insuring the benefit of the commonweal.²⁰

The Robinson embezzlement reflected poorly not only on the Speaker's character but on Virginia's patronage system. The Speaker, according to popular conception, was led astray by the influence of others. Robinson, a benevolent gentleman, did not resist the pleas of those dependent on him. Luxury corrupted the politics and virtue of his supporters. A lesson from the classics expressed the dilemma. Aristides, when chosen the treasurer of Athens, discovered his predecessors granted large sums of public money to their favorites. He stopped the practice. In consequence, a strong party developed against him and falsely accused Aristides of mismanagement. The treasurer then, like his predecessors, granted favors from the public funds, “appearing more compliant, easy, and remiss in examining their accounts and exposing their frauds.” This made him more “acceptable” to his opposition and they extolled his virtues, putting him forward as their candidate for another term. Elected unanimously, Aristides chastised the constituency: “When I discharged my office, and managed your treasure with the care and fidelity that became an honest man, I was reviled and treated like a villain; but now, when I have taken no care of it, . . . I

²⁰ *Ibid.*

am an excellent person, and an admirable patriot.” Aristides declared, “I am more ashamed of the honour done me to day” and “I see it is more meritorious with you to oblige ill men than faithfully to manage the publick revenue.” The Robinson embezzlement was not the work of one misguided individual. It resulted from a general state of corruption running rampant among the gentry and fueled by their pursuit of luxury and the genteel lifestyle.²¹

The debate continued throughout the summer and into the fall, but the most significant article appeared in *The Virginia Gazette* on August 8. Most people “are acquainted with the powerful Influence of Money,” the gentleman calling himself “A Planter” observed. When confined to “a private Person or Family” the results only harm the individual. When “a Man destitute of any real Goodness of Heart, and Benevolence of Disposition” gains “the Power of his Country” then the public can expect “direful Things.” That man can “build his Greatness on his Country’s Ruin.” The writer asked, “Will ye then, O ye Guardians of the People, any longer suffer Things to remain in a Channel that so evidently has and must tend to continue great Hardships and Inconveniences on Ourselves and Posterity?”²²

Virginia’s leaders and their pursuit of consumer luxuries led them to betray the public trust. Robinson used illegal loans of public money in a graphic demonstration of how luxury sapped virtue. Like Richard Henry Lee, Robinson and his party of

²¹ *Virginia Gazette*, ed. Purdie and Dixon, 8 August 1766, 2 and 15 August 1766, 2.

²² *Virginia Gazette*, ed. Rind, 8 August 1766, 2.

supporters now stood exposed as self-serving gentry. Elizabeth Barebones, in a piece called “The Sick Lady’s Case,” charged that “Money acquired by fraud and rapine, and stolen from the innocent and just” was “lavished on unworthy objects, to gratify the views of pride.” If the Colony’s leaders could not control their avarice then they must be controlled. “The Planter” called on “my Fellow Constituents not to suffer you [their representatives] to depart your respective counties without positive Instructions, not only to separate those two Offices,” but to require a strict accounting of the Treasury at the end of every House’s session. Robinson Party opponents sought a separation that diminished the power of the Speaker. To secure this and a strict accounting of the public funds, they called for constituents to bind and obligate their Burgesses with specific instructions. It was a bold move. They challenged the practice of multiple office holding. They sought to limit the exercise of authority by those in executive offices. But probably more important, to accomplish their objectives, opponents of the Robinson-Randolph faction fostered republican practices by binding representatives to the instructions of freeholders.²³

Members of the House of Burgesses viewed their responsibilities in two, slowly diverging ways. Some saw the Burgesses as responsible and independent from the electorate. Constituents choose the most impartial and virtuous men with confidence they acted in the Colony’s best interest. A second school of provincial leaders paid more attention to the will of their constituents. It was the difference between

²³*Virginia Gazette*, ed. Rind, 8 August 1762, 2; and *Virginia Gazette*, ed. Purdie and Dixon, 11 November 1766, 1.

responsible and representative styles. The lines between these groups remained very blurred and associating any individual with one style or the other difficult. Still, it was a long-standing debate that found its way into the House of Burgesses as early as 1754.

Interestingly, during that fall session, those arguing that the “Representative was obliged to follow the directions of his Constituents against his own Reason and Conscience . . . were all headed by the Speaker, for these were nearly his own words.”

In 1754, the issue before the Robinson controlled House was whether burgesses should ignore popular opposition to taxes and raise taxes to defend the interest of the Ohio Company against the French. In the summer of 1766, the friends of Robert Carter Nicholas embraced those words and turned the tables on the party formerly headed by Speaker Robinson.²⁴

Nicholas’ supporters formed constituency groups in some counties. The freeholders of Accomack addressed their Burgesses, Thomas Parramore and Southy Simpson, on October 1. Declaring themselves not alone in a complaint “nearly universal through the colony,” they recommended the representatives use their “endeavours that all past misconduct in the Treasury may be carefully searched out, and that all prudent measures may be taken to prevent the like for the future.” They further instructed that “the Speaker’s Chair be disjoined from the Treasurer’s Board.”²⁵

“A majority of the freeholders of this his Majesty’s most ancient county in

²⁴ Billings, Selby and Tate, *Colonial Virginia*, 271; Carter, *Diary*, 1:116-117.

²⁵ *Virginia Gazette*, ed. Purdie and Dixon, 17 October 1766, 2.

Virginia,” James City, instructed their representative, Lewis Burwell, Esq.: “As the next session will decide whether the weighty offices of Speaker and Treasurer are to remain united in one person or be separated, we have thought proper to communicate to you our opinion on so important a subject.” They strongly desired that Burwell support “a separation of the offices of Speaker and Treasurer, both by your vote and interest; and that you earnestly and steadily strive to promote every measure which may be proposed in the House for the more effectual collecting of the taxes, and for the preventing any future misapplication of publick monies.” Lewis Burwell was a member of the former Robinson party who owed £6,274 to the Robinson estate. The language of “instruction” was significant. Normally constituents “petitioned” their legislature, but petitioning implied that the burgess was superior and a virtual representative of his constituents. As such, freeholders solicited his favor. Instructing a burgess implied that the representative was the freeholder’s agent, obligated to follow his constituent’s direction.²⁶

It is difficult to determine how active middling and lesser freeholders were in these instruction sessions. The James City County resolutions claimed that they spoke for “a majority of the freeholders” in that county. The only other county that printed its resolutions, Accomack, reported signatures only “by a number of the principle inhabitants.” One commentator asserted that separation of the offices was “the Sense of

²⁶ *Virginia Gazette*, ed. Purdie and Dixon, 30 October 1766, 1. Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969), 189.

the Inhabitants of most Counties within the Colony.” Clearly Nicholas supporters rallied support with some portion of freeholders and with the majority of Burgesses. Certainly the Robinson scandal had long tentacles. As executors pressed large debtors for payment, they turned to small debtors. Property sales, unredeemed currency, debt collection and the prospect of a bankrupt treasury affected freeholders of every rank. Nicholas’s opponents – who supported Peyton Randolph as Robinson’s successor in the Speaker’s Chair and Treasury – charged that separation of the offices was an extravagance the colony could not afford. It would now cost twice as much for these services; an “expense on the People in this Province” they could not afford.²⁷

Probably more important, the scandal fractured the strong gentry political machine that Robinson had so carefully and expensively cultivated. Just as in Norfolk’s smallpox riots, leaders choose sides. And just as in Norfolk’s case the successful faction was the one that could best rally vocal support from the freeholders. When the Assembly met in November, the first order of business was the election of a new speaker. The former Robinson party nominated Peyton Randolph. Richard Henry Lee, discredited by the Mercer accusations, did not stand for election. His faction put forward Richard Bland as their candidate. Randolph easily won the Chair and

²⁷ *Virginia Gazette*, ed. Purdie and Dixon, 17 October 1766, 2 and 30 October 1766, 1; Robert Carter to Edward Hunt & Son, Williamsburg, 2[8] November 1766 and Robert Carter to James Buchanan and Company, Williamsburg, 25 November 1766, “Robert Carter Letterbook 1764-1768” ed. Susan Briggs Eley (M.A. thesis, College of William and Mary, 1962), 26-31. Mays, *Pendleton*, 181-185, 358-369 gives a detailed view of Robinson’s estate and the complicated accounts. See also Greene, “*Virtus et Libertas*”, 1978, 100-103 for a discussion of the gentry reformers who pushed through the separation of offices.

successfully passed the mantle of Attorney General on to his brother John Randolph. Then on Wednesday, November 12 “it was determined in the Hon. the House of Burgesses, by a great majority, that the offices of Speaker and Treasurer shall no more be united in one person.” Robert Carter Nicholas won the bid for Treasurer. Of course, there were political accommodations made. Randolph received an annual salary of £500 in compensation for the revenues he would have received in a joint appointment. The iron grasp held over the government by the Robinson faction, however, was gone.²⁸

Splintered, and with the leaders of various factions at odds, gentry power began unraveling. Like the criticism leveled at Richard Henry Lee and his “gang,” the Robinson scandal stripped the facade from some of Virginia’s most prominent families and exposed their weaknesses. With Robinson’s assistance they had taken the public’s money rather than give up their luxurious lifestyle. The extravagance of these gentlemen exceeded their public virtue, but even the material possessions were not really theirs. With Robert Carter Nicholas calling in debts owed the Robinson estate, gentry found themselves increasingly hounded by merchant creditors in the courts. Whole estates went up for sale, auction and lottery. With their economic standing slipping away, with their moral authority questioned, gentry turned to constituents for authority. Factions called on middling and lesser freeholders. Voters lent their

²⁸ Ernst, “Robinson Scandal Redivivus,” 166-167; *Virginia Gazette*, ed. Purdie and Dixon, 13 November 1766, 2; *Journal of the House of Burgesses of Virginia 1766-1769*, 23; Francis Nicholson to the Board of Trade, Williamsburg, 10 November 1766, *Fauquier Papers*, 3: 389-1390.

authority to separating the offices of Speaker and Treasurer. But in calling out constituents in this way, gentry weakened their social standing yet again. It was an admission that they no longer ruled by virtue of their position. Even the good will of lesser Virginians was shaken with a third scandal that began in a small Cumberland County tavern.

CHAPTER VII

THE MURDERER.

The proliferation of debate in the *Virginia Gazette* testifies to rising economic, social, and political concerns. It was a debate that engaged the more literate and politically active constituents of Virginia. As the editorialists clashed, there was little opportunity for more common Virginians to express their views and opinions. Certainly, lesser freeholders participated in constituent meetings for instructing burgesses, but little else it seems until the summer of 1766. That June, one man insinuated himself into the popular imagination like a chimera. For Virginians of every status, John Chiswell came to embody the depravity of gentry society.

From 1742 to 1758 Colonel John Chiswell sat as a member of the House of Burgesses, representing the City of Williamsburg his last two years. The family estate was in Hanover County, but in 1752 he purchased Williamsburg's Raleigh Tavern in partnership with George Gilmer. In the next ten years Chiswell obtained lots on the Palace Green. By 1766 he lived on Francis Street near the Capitol. His father, Charles Chiswell, former Clerk of the General Court, left him more than sixty thousand acres in Hanover, Henrico, Spotsylvania, Goochland, Albemarle, and Amelia counties.¹

¹ Mary A. Stephenson, "Chiswell - Bucktrout House, Francis Street, Block 2" (Colonial Williamsburg Foundation House Histories #RR1017, February 1965), 1-9.

His wealth and political connections drew others to him. He granted favors. For some he acted as intermediary with Speaker John Robinson, Councilor William Byrd or other prominent gentry. He extended credit to others or served as security for their debts. As a man of stature, he pursued the genteel graces: a fine dancer, educated, articulate in civil conversation, impeccably dressed in European fashion, and skilled with the small sword. Regarded by his peers as a man of “very fair character,” Chiswell possessed “many good qualities, . . . well respected and beloved by all in general.”² Gentleman John Chiswell expected, and customarily received, deference from his inferiors. He also had a temper.

Some years before the Reverend Robert Rose witnessed the Colonel’s temper. He was visiting Chiswell’s Hanover home when the local constable arrived. Constable Dunwiddie attempted to serve a warrant against Chiswell and demanded that the gentleman accompany him to the magistrate’s house some ten miles away. Chiswell took the constable’s demands as a great affront. Angered by the impudence, Chiswell flew into a rage. He “refused to comply.” He slandered the local magistrate (Justice John Reid had issued the warrant), and “ordered the Constable . . . off the plantation.” He accused the constable of “Rude behaviour” and of “provoking Him [Chiswell] to Speak disrespectfully of Mr. John Reid, a Magistrate.”³

² *Virginia Gazette*, ed. Purdie and Dixon, 10 October 1766, 1-2.

³ Robert Rose, *The Diary of Robert Rose*, ed. Ralph Emmett Fall (Verona: McClure Press, 1977), 85.

Gentleman Chiswell did not measure his prominence just in terms of property. He had significant family connections. Chiswell married Elizabeth Randolph, daughter of William Randolph of "Turkey Island." His brother-in-law was Peter Randolph, member of the Governor's Council. Mrs. Chiswell's first cousin was Attorney General Peyton Randolph. Chiswell's daughter, Susannah, married Speaker and Treasurer John Robinson. In partnership with John Robinson, William Byrd, and briefly, Governor Fauquier, Chiswell owned and operated several extremely valuable lead mines in western Virginia.⁴ Chiswell frequently traveled in the colony and often visited his mines in western Virginia. It could have been one of these many trips that brought him to Benjamin Mosby's Tavern at Cumberland Courthouse on June 3, 1766.

Mosby's Tavern was not an elegant establishment. Originally the building, probably a simple story-and-a-half structure, measured less than four hundred square feet. A small addition with a shed roof expanded its accommodations. One fireplace heated both downstairs rooms. Despite meager facilities, the establishment had some pretensions. One description referred to the larger of its rooms as the "dancing room."

When Colonel Chiswell arrived that Tuesday evening, he discovered more than a dozen locals and travelers gathered for the evening. Thomson Swann, George Frazer, James McDoual, Philip Tabb, J. Swann, Charles Scott, and Thomas Vines were in the

⁴ Stephenson, "Chiswell-Bucktrout House," 1-4; : Carl Bridenbaugh, "Violence and Virtue In Virginia, 1766; or, The Importance of the Trivial," *Early Americans* (New York: Oxford University Press, 1981), 194-196. Governor Fauquier withdrew from the lead mine partnership soon after it was established.

room. So were Jacob and Littleberry Mosby. A prominent county couple, Joseph Carrington and his wife, also attended that evening. In this company was Robert Routledge.⁵

Those who knew Routledge, a Prince Edward county merchant, called him “a worthy blunt man, of strict honesty and sincerity, a man incapable of fraud or hypocrisy.” The Scottish merchant immigrated to Virginia during the 1740s and operated his business in partnership with a native Virginian, John Pleasants. He gained a reputation as a successful trader, and the fruits of his labors permitted investment in some twelve hundred acres of land in Prince Edward County. Still, because he was not born and raised in Virginia, and because of his Scottish heritage, Routledge probably found himself labeled a foreigner in some circles.⁶

This was Routledge’s second day at Cumberland Courthouse and he spent nearly all of June 3 in Mosby’s Tavern. Observers remembered that he was “drunk three times that day.” As evening approached, he sat and talked “with several Gentlemen of his acquaintance.” Within an hour of nightfall Colonel Chiswell joined the gathering. Apparently Chiswell and Routledge knew each other well. They appeared “glad they had met” and planned to share lodgings that evening. Their conversation was “very [fr]iendly,” but as the evening continued, the company perceived a change in the tone

⁵ *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2-3.

⁶ *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2-3; Wood, *Radicalism*, 142; Isaac, *Transformation*, 137; Breen, *Tobacco Culture*, 38; Bridenbaugh, “Violence and Virtue,” 188-189.

of their exchange.⁷

Chiswell began “talking in an important manner” and liberally employing oaths. Routledge, still intoxicated, “reproved” the gentleman and “signified his disapprobation, with less politeness perhaps than was due to a man of Col. Chiswell’s figure.” Chiswell retorted, “Do you never swear?” “Yes, by all the Gods,” replied the merchant. Then Chiswell barked in return, “You fool, there is but one.” From this point on Chiswell became “extremely abusive” toward Routledge. He called him a “Scotch rebel.” He heaped insults on the “fugitive rebel,” addressing Routledge as “a villain who came to Virginia to cheat and defraud men of their property, and a Presbyterian fellow.”⁸

As the altercation escalated, Littleberry Mosby “went and placed himself between them,” hoping his presence would calm the situation. Routledge, however, picked up his wine glass and tossed its contents at Chiswell’s face. Chiswell was still sober, but the insult demanded a return. He picked up his bowl of toddy to throw it at his adversary. At this point several men in the tavern gathered around the combatants.

⁷ The following account of the Routledge murder is constructed from several detailed accounts appearing in the Purdie and Dixon edition of the *Virginia Gazette* on 18 July 1766; 25 July 1766; 1 August 1766; 12 September 1766; 19 September 1766; and 10 October 1766.

Other historians have examined this case. See: Bridenbaugh, “Violence and Virtue,” 188-277; J. A. Leo Lemay, “Robert Bolling and the Bailment of Colonel Chiswell,” *Early American Literature*, 6 (Fall 1971): 99-142; Greene, “‘Virtus et Libertas,’” 87-91.

⁸ *Ibid.*

They stopped Chiswell before he could throw his bowl of toddy. Chiswell then picked up a candlestick, but the company wrestled it away before he could throw it. When Chiswell picked up a pair of tongs and moved to strike Routledge, the company again disarmed him. By this point the Colonel was in a complete rage. He called for his slave and "ordered his servant to bring his sword." The company took this as an idle threat, but Chiswell insisted, threatening "to kill his servant if he did not comply." Chiswell's slave left the room and the company separated the two combatants by moving Chiswell into the shed room attached to the side of the tavern.⁹

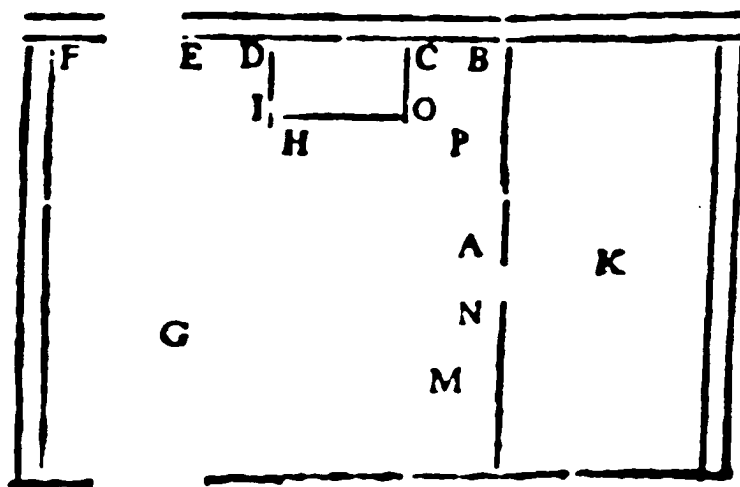


Figure 11: The murder scene, "Mosby's Tavern," illustrated in the *Virginia Gazette*.

A short time later, the servant returned with Chiswell's sword and delivered it to his master. Unsheathing the weapon, Chiswell walked through the door connecting

⁹ *Ibid.*

the shed room with the rest of the tavern. He brandished the sword, swearing that if Routlidge did not “go out of [th]e room; by God I will kill you.” Others in the room implored Chiswell to give up his weapon, but the Colonel put his back to the wall and declared “that he would run any man through the body who should dare to come near him, or offer to take his sword.” Littleberry Mosby again stepped between Chiswell and Routlidge. As he did, the Colonel swore “he would kill him as soon as Rout[li]dge,” if Mosby attempted to disarm him.¹⁰

Routlidge, signaling his intention to remain in the tavern, hiccuped and said “that he had no ill will against Col. Chiswell, and that he was sure Col. Chiswell would not hurt him with his sword.” The rest of the company were more apprehensive of the Colonel’s intentions. Some “proposed that Routlidge should be carried off and put to bed,” but others maintained that the drunk “was not the intruder” and had every right to remain. Finally, Joseph Carrington grabbed hold of Routlidge, leading him to the door. Chiswell continued his oaths. He kept his back to the wall, following them laterally across the room, all the while “abusing Routlidge in the most opprobrious and affecting terms.” Reaching the other side of the room, a small table and several tavern patrons separated the armed Chiswell and merchant Routlidge.¹¹

Carrington held the inebriated Routlidge at the door of the tavern, but he loosened his hold for a moment, “searching his pockets for the key of a room where he

¹⁰ *Ibid.*

¹¹ *Ibid.*

intended Routlidge should sleep.” Chiswell continued abusing the merchant, again calling him a “Presbyterian fellow.” At these words Routlidge moved forward to the table repeating the word “fellow” as an angry query.¹² Chiswell advanced toward the table, lowered his sword and extended his arm. As they came together, it was “like the word of com[m]and in the exercise.” Thomson Swann leaned over the table, attempting to keep the combatants apart. The point of Chiswell’s sword passed through his open coat before it lodged in Routlidge’s heart. Mr. Swann came up behind and grabbed Chiswell, but as he did the Colonel announced that it was too late. “Do not trouble yourself, the man is dead, and I [kil]led him. — So I would fifty others for the same offence.”¹³

Routlidge died instantly, sinking into the arms of Joseph Carrington “without uttering one word, or showing the least emotion.” Chiswell again called his servant and “ordered his boy to take his sword and clean it carefully, and rub it over well with

¹² “Presbyterian” no doubt referred to Routlidge’s Scots origins. Presbyterians were, in Virginia, a dissenting religion, but Presbyterianism was prominent in Scotland. According to the *Oxford English Dictionary* the use of “fellow” was also derisive. It was the word “fellow” to which Routlidge seemed to react the most. It could have been used in the sense of “anybody.” In a world where social rank and distinction mattered, to be called “anybody” was equivalent to being called “nobody.” It is likely the tone of Chiswell’s voice also indicated “remonstrance or censure.” In another sense Chiswell could have been calling Routlidge one of the “common people” and “a person of no esteem or worth.” If Chiswell was dismissing Routlidge in this way he used the term as a “customary title of address to a servant or other person of humble station.”

¹³ *Virginia Gazette* ed. Purdie and Dixon, 18 July 1766; 25 July 1766; 1 August 1766; 12 September 1766; 19 September 1766; and 10 October 1766.

tallow lest it should rust.” He then turned his attention to the lifeless body of Routledge and continued his verbal abuse. “He deserves his fate, damn him; I aimed at his heart and I have hit it.” The Colonel ordered the body removed. He “called for a bowl of toddy, and drank very freely.” By the time the Justice of the Peace arrived, Chiswell was noticeably intoxicated. After examining various members of the company, the magistrate placed Chiswell under arrest and committed him to the county gaol.¹⁴

Chiswell displayed no remorse over the death of Routledge, even the next day. He did “inquire very kindly after Mr. Swann’s health; and said he was apprehensive that he had wounded him, as he had so small a view of Routledge’s body when he made the thrust.” The inquiry suggested the Colonel was in full possession of his faculties at the tavern that previous night and on the morning after recalled events in detail. A coroner’s inquest determined that Routledge indeed “received his death by a sword in the hand of John Chiswell.” The Colonel spent five days in the Cumberland County jail awaiting the examining court.¹⁵

On the following Monday, June 9, county justices convened at the courthouse. Seven magistrates sat on the bench that day: John Fleming, John Netherland, Thomas Tabb, Carter Henry Harrison, John Mayo, William Smith, and John Woodson. These were prominent local gentlemen, but not one of them matched the social or political prominence of Colonel John Chiswell. “Led to the barr in custody of the sherif,” John

¹⁴ *Ibid.*

¹⁵ *Ibid.*

Chiswell stood charged with “feloniously murdering Robert Routledge.” The Colonel informed the court “he was in no wise thereof guilty.” John Wayles, the defendant’s attorney, stood with his client as the court called eight witnesses before the bar.

Littlebury Mosby, Thompson Swann, Jacob Mosby, James McDowall, Charles Scott, Joseph Carrington, Thomas Vines, and George Fraizer each stood in turn and related the events of June 3. They all agreed that John Chiswell intentionally thrust his sword at the merchant and killed him.¹⁶

Chiswell then spoke in his own defense. He maintained that Routledge fell on the sword as he held it. The death was, therefore, accidental. After conferring, the Justices issued their decision. “It is the opinion of this court that the said John Chiswell ought to be tried before the honorable the general court for the said supposed fact and thereupon he is remanded to gaol.” The defendant requested the court set bail for his release, but the “Examining Court refused admitting him to bail.” On June 11 the Cumberland under Sheriff, Jesse Thomas, accompanied by the accused’s lawyer, transported Colonel John Chiswell to Williamsburg.¹⁷

On arriving in Williamsburg, Sheriff Thomas was to deliver the prisoner to the gaol on Nicholson Street near the Capitol. Before arriving at the jail, however, they encountered John Blair, William Byrd, and Presley Thornton, three members of the

¹⁶ Cumberland County Order Book, 1764-1767, 253; *Virginia Gazette*, ed. Purdie and Dixon, 20 June 1766, 2; and 18 July 1766, 2-3.

¹⁷ *Ibid.*

Governor's Council and the General Court of the Colony. Meeting not in court, but in an impromptu session, these justices took depositions from Wayles and Thomas.

Neither Chiswell's lawyer nor the Sheriff were present at Routledge's murder on June

3. The depositions Wayles and Thomas presented to Blair, Byrd, and Thornton represented hearsay recollections of the testimony presented at the Cumberland Examining Court. Wayles omitted testimony showing that Chiswell attacked with his weapon, thrusting the sword forward to meet his target. He was, after all, the defendant's lawyer and presented the case in the most favorable light, a case of accidental death. The poor under-sheriff, no doubt overawed by the presence of three councilmen and confused by the proceedings, only testified (in reference to Wayles' deposition) that he remembered "the above facts being sworn to" in the examining court. Jesse Thomas added that "it was proved that Chiswell called the deceased a Scotch rebel he thinks before the glass of wine was thrown."¹⁸

Based on these two hearsay depositions, the justices concurred with the defense's position. Routledge fell upon a weapon while held by Chiswell's hand. Given that, by their estimate, the act did not involve malicious intent, the justices considered Colonel Chiswell's request for bail. They consulted three lawyers who practiced before the General Court bar. The eminent George Wythe was one. Based on the depositions and opinions of the lawyers, Blair, Byrd, and Thornton granted bail to Colonel Chiswell. Chiswell posted two thousand pounds and "four worthy

¹⁸ *Virginia Gazette*, ed. Purdie and Dixon, 12 September 1766, 2.

Gentlemen” posted one thousand pounds each. With appearance at his October trial bonded by a total of six thousand pounds the defendant returned to his Francis Street home.¹⁹

These prominent Justices of the General Court could not have forecast the furor that exploded in the countryside. Though they attempted handling this entire situation quietly, Robert Bolling Jr. broke the news publicly in an anonymous letter to the *Virginia Gazette* the following week. The Bolling family traced its Virginia origins to the early seventeenth century. Robert Bolling served as burgess from Chesterfield County between 1761 and 1765. In the House he was among those opposing the Robinson party along with his step-father, Richard Bland. Bolling’s letter prompted a highly unusual step from John Blair, President of the Council. On July 4, Blair publicly justified the rump General Court’s actions. Under normal circumstances the court issued no justifications. The magistrates sat in judgment of Virginians by right of their prominent position in the Colony and by the authority of commissions issued by the King. The presence of any justifying response from President Blair indicated the depth and seriousness of the criticism. Noting that the bailment of Colonel Chiswell “is much censured by many people” Blair presented this explanation “for publick information.” He hoped “to remove the bad impression” formed of the justices “for want of a true knowledge of the motives that prevailed on the Judges of the General

¹⁹ *Virginia Gazette*, ed. Purdie and Dixon, 4 July 1766, 2.

Court to take that unusual step.”²⁰

Partially, the furor swarmed around constitutional and legal issues. The Cumberland County Court, after hearing witnesses, refused bail. It placed in the hands of the under Sheriff, Jesse Thomas, a warrant ordering the prisoner’s transfer to the public jail in Williamsburg. There, Chiswell was to await trial without bail. Blair, Byrd, and Thornton illegally overruled the conditions of that warrant by granting bail to Colonel Chiswell. George Wythe responded to the constitutional issues involved in the Court’s decision, noting that all laws affecting the granting and processing of bail limited jurisdiction to lower courts. These limitations did not bind the General Court of Virginia. The justices acted perfectly within their rights by granting bail. Wythe and others argued this legal point in the pages of the *Virginia Gazette*. This, however, was only a troubling technicality. The murder of Robert Routledge represented much more.²¹

The merchant Routledge became a martyr. Colonel John Chiswell, whatever his previous merit, became inextricably linked to a corrupt and willful gentry class. On a

²⁰ *Virginia Gazette*, ed. Purdie and Dixon, 20 June 1766, 2; 4 July 1766, 2; Lemay, “Robert Bolling,” 99-100. Lemay credits Bolling as the first to publicize the incident.

²¹ *Virginia Gazette*, ed. Purdie and Dixon, 1 August 1766, 2. After reading the various opinions and defenses posted in the *Virginia Gazette*, it seems that bailment, while permitted by British precedent, was outside the bounds of Virginia practice. See also A.G. Roeber, *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680-1810* (Chapel Hill: University of North Carolina Press, 1981), 149-150.

personal level, Chiswell displayed that he was not a true gentleman. Though cultivated, financially independent and well respected within the larger Virginia community, his conduct at Mosby's Tavern lacked the self-restraint expected of a gentleman. True, Routledge insulted the dignity of his station, but it was the insult of a drunken unarmed man. At Routledge's hand, Chiswell suffered "an indignity which perhaps men of honour ought to resent from any one, unless from an aggravated and abused friend, or a man intoxicated with liquor." One anonymous writer's *Virginia Gazette* article declared that Chiswell's actions showed Virginians of lesser status "how precariously may we enjoy the privilege of breathing."²² If Chiswell felt completely within his rights exacting this harsh punishment for a paltry insult, critics saw him as rash, arbitrary and willful.

More alarming was the belief held by many Virginians that Chiswell and his gentry peers would circumvent justice. One writer implied this was common practice. "Had Mr. Chiswell's affair been secret, and the truth doubtful," his friends, "who had no regard to the benefit of society," would have stretched "points in order that they might save a man of Col. Chiswell's figure." The public nature of the crime and its subsequent discussion in public forums prevented this miscarriage of justice. Still, critics found the incident fraught with gentry privilege. The General Court granted bail, "no doubt" because of "Chiswell's connections." The "three eminent lawyers" advising the General Court in this matter were "selected by Col. Chiswell's friends."

²² *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2-3; and 11 July 1766, 1.

Consequently, “they were ex parte,” and the public should not expect an impartial ruling. Peyton Randolph, King’s Attorney General, was Mrs. Chiswell’s first cousin. Many already speculated that the Attorney General was conveniently unavailable whenever the prosecution of Chiswell required attention. The public was “apprehensive that Mr. Attorney’s connexions with Col. Chiswell will occasion the prosecution for the King to be carried on in a different manner from what it ought to be.” Others blatantly charged that Chiswell and his gentry friends would fix the jury when he came to trial. Legally, the Cumberland County men would comprise the jury for this case. Speculation ran high that Chiswell would call for, and receive, a change of venue. As a result, a local Williamsburg jury would try the case and the men picked to serve would be individuals beholden to Chiswell’s family and friends. An acquittal was certain.²³ As one Virginia poet summarized:

The Laws, in Vulgar Hands unkind.
The worthy Gentleman confined;
But in the Hands of Gentlemen
Politer, they released again.
But then began a strange Fracas:
Some swore it was, some ‘twas not, Law.
‘Twas not for common Men, ‘twas plain;
But was it not for Gentlemen?²⁴

²³ *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2-3; 25 July 1766, 1; 19 September 1766, 2. Reverend John Camm to Mrs. McClurg, Williamsburg July 24, 1766, *William and Mary Quarterly*, 1st ser., 2 (April 1894): 237-239.

²⁴ Robert Bolling, “The Gentlemen, 1766,” quoted in Lemay, “Robert Bolling,” 100-101.

The central issue of the Chiswell affair was that Virginia's society and law privileged gentry at the expense of "common Men." Several prominent Virginians took on the cause of middling and common peoples, lambasting the General Court for Chiswell's bailment. Robert Bolling Jr. was one, writing letters to *The Virginia Gazette* anonymously and under the dual pseudonym of Marcus Fabius/Marcus Curtius. Richard Bland, under the pseudonym "Freeholder," rallied to the cause. The discussion was not just between gentlemen, however. Reverend Jonathan Boucher of Saint Mary's Parish near Fredericksburg wrote against the bailment as "Philanthropos." The most vehement attacker was "Dikephilos," a Prince Edward County lawyer by the name of James Milner.²⁵

James Milner was a recent English immigrant. He arrived in Virginia around 1760. Admitted to the bar of the Prince Edward County Court in 1765, apparently he was not prominent or well connected in Virginia society. Undoubtedly, he knew the merchant Routledge extremely well. Despite his lack of prominence, Milner penned the most thorough and vitriolic attacks against Chiswell and his supporters. For defending his friend, he and others supporting him received the public attacks of "Metriotes"

²⁵ Most historians, including Carl Bridenbaugh and Boucher's biographer Anne Zimmer, identify the Reverend Jonathan Boucher as "Dikephilos." The writings of Robert Bolling Jr. contain detailed notes and poetic references to the various spokesmen in this newspaper debate. After a careful analysis, J. A. Leo Lemay concludes that Boucher was most likely "Philanthropos" and establishes clearly that "Dikephilos" was James Milner. Lemay, "Robert Bolling," 106-115; Anne Y. Zimmer, *Jonathan Boucher: Loyalist in Exile*, (Detroit: Wayne State University, 1978), 62-66; Bridenbaugh, "Violence and Virtue," 201.

(John Randolph), “Buckskin” (Landon Carter), Benjamin Grymes, and Chiswell’s lawyer, John Wayles. Emotions ran extremely high. Benjamin Grymes, whom Milner called an “impertinent pseudo-patriot,” threatened the author with “a drubbing.” The Chiswell debate was a constant topic in genteel homes. Attorney General Peyton Randolph’s wife, Elizabeth, expressed her opinion that Bolling and Milner were “ravenous wolves, not to be sated but with the blood of Mr. Chiswell.”²⁶

Clearly, gentry and prominent leaders split over this case. Did middling and common people also find themselves wrapped up in this discussion? It is difficult to say. According to a professor at the College, Reverend John Camm, the Chiswell bailment “put the whole country into a ferment.” John Norton, the Yorktown representative of the London based John Norton & Sons merchant firm, indicated that the Robinson and Chiswell affairs preoccupied “the Thought of the People here.” Dikephilos (James Milner) claimed, “Most people at present are really extremely uneasy.” He enumerated the groups. “Patriots . . . are alarmed on this occasion; foreigners are alarmed; the middle and lower ranks of men, who are acquainted with the particulars, are extremely alarmed” as were “Routledge’s poor neighbours.” In fact, Dikephilos asserted the common people of Routledge’s county were ready to riot “if the law be disregarded, violated, and trampled upon.” According to Milner, he had “persuaded them to make themselves easy, and . . . begged that they would not carry

²⁶ Lemay, “Robert Bolling,” 106-115, 123n20; Robert Bolling, “The Gentlemen, 1766,”; *Virginia Gazette*, ed. Purdie and Dixon, 29 August 1766, 2.

matters to extremity.” He confessed, however, “that I cannot help applauding their honest grateful hearts.” John Carlyle, an Alexandria merchant, understood all this as “an affair that makes much noise & almost a Civile War in the Neighbourhood where Mr. Routledge lived.”²⁷

Others heard rumors of riots and mob action too. An anonymous writer in the July 11 newspaper emphasized the need for a judicial inquiry to resolve the situation and hoped that others would not resort to “abhorring tumults” for redress. As late as October a writer – who apologized for his grammar as he was “not a man of learning” – said he was willing to wait for the General Court’s judgment. If that judgment was “contrary to law or justice” though, he would join with the “Sons of Liberty” to put things right. It was clearly a reference to Stamp Act mob violence in Norfolk, Westmoreland and other Virginia localities.²⁸

“Does it not appear an act of wonderful partiality,” Dikephilos editorialized? Status and privilege were the keystones of the debate. Those assisting Colonel John

²⁷ Reverend John Camm to Mrs. McClurg 24 July 1766, *William and Mary Quarterly* 1st. ser., 2: 237-239; William Nelson to John Norton, Virginia, September 6, 1766, *John Norton & Sons Merchants of London and Virginia: Being the Papers of their Counting House for the Years 1750 to 1795*. Frances Norton Mason, ed. (Richmond: The Dietz Press, 1937), 16; *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2-3; [John Carlyle to George Carlyle in Great Britain], Alexandria, 16 October 1766, (Carlyle Papers, Carlyle House Historic Park, Alexandria, Virginia, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Typescript TR.61).

²⁸ *Virginia Gazette*, ed. Purdie and Dixon, 11 July 1766, 1 and 10 October 1766 1-2.

Chiswell stood accused of exercising the privilege of their station, in the expectation that status required deference from others. When John Blair responded to charges of the bailment's illegality his words implied that, as President of the Governor's Council, he condescended by explaining the actions of himself and his peers. It was, he felt, an explanation not required from a man of his station and reputation. The reply was not deferential. "What you say with respect to the dignity of your stations gives me fresh surprise! I begin to think myself an inhabitant of some other country than Virginia," Bolling stated. Further, he demanded, "Is there a dignity in this land which exempts any person whatever from a duty to satisfy, if possible, a people which conceives itself injured?" Though extolling the "great dignity" of Blair, earned by "a long life, spent in the practice of virtue; from your benevolence, your humanity, your integrity," Bolling reminded the President that throughout Virginia many claimed "a right to an equal dignity with yourself." The "haughty" sentiment reserving deference and privilege for a few was fundamentally flawed. "I disclaim the idea of dignity founded merely on the abject spirit of particulars, and regard the pretenders to such dignity with a degree of contempt proportioned to their arrogance." Reasonable men expected an impartial "judicial inquiry into this matter." Bolling's next line stood out as a warning. "I say a judicial inquiry; for, abhorring tumults of every kind, I hope no body will dream of any other."²⁹ There was cause for this warning. Unrest over the Chiswell

²⁹ *Virginia Gazette*, ed. Purdie and Dixon, 4 July 1766, 1; 11 July 1766, 1; 18 July 1766, 2-3; 25 July 1766, 1.

bailment extended well beyond the gentry and upper middling sort debate in the pages of *The Virginia Gazette*.

Dikephilos called on the General Court for the quick action necessary “to remove the uneasiness which many suffer at present, from an apprehension that justice is perverted, and law trampled on.” The murder and apparent favoritism for the gentleman Chiswell angered many Virginians. Patriots, concerned that privilege of status uprooted the rule of law, pursued their case in the press. Foreigners, especially Scots merchants, saw Routledge’s murder as symbolic. Chiswell, the Virginia-born gentleman, extracted a vengeance on all foreign-born merchants and “interlopers.” The middling and lower ranks of society were “desirous of knowing whether some Virginians may massacre other Virginians (or sojourners among them) with impunity.” In Chiswell’s treatment, “They say that one atrocious murderer has already been cleared, by means of great friends; and they are apprehensive that will not be the last opprobrious stain of the kind on our colony.”³⁰

This was at once a local and a provincial affair. In Prince Edward County there was prepared to riot. James Milner, as Dikephilos, spoke for the populace there. “Routledge’s poor neighbours who have been supported on some occasion by his humanity and bounty, shed tears whenever the unhappy affair is mentioned.” He related that friends of the murdered merchant “say if the law be disregarded, violated,

³⁰ *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2-3; 12 September 1766, 1. Reverend John Camm to Mrs. McClurg, Williamsburg, 24 July 1766, *William and Mary Quarterly*, 1st. ser., 2: 237-239.

and trampled upon, to save from justice the assassin of their worthy benefactor, that they can never enjoy a moment's ease until they take proper revenge for the cruel and cowardly assassination."³¹

The Prince Edward populace waited quietly for the moment. Milner gave them assurances. "I have persuaded them to make themselves easy, and I have begged that they would not carry matters to extremity." They waited for "the event of the prosecution; but they vow that if power exercise injustice and partiality, they can never permit the assassin, or any of his abettors, to pass with impunity."³²

Milner related carefully the sentiment of Prince Edward's common people. "They were exasperated to a high degree," saying "one of the worthiest of men had been not only murdered, but defamed." The criminal "was treated with indulgence and partiality inconsistent with our constitution, and destructive of our security and privileges" simply because of his station. "Even the lowest mechanick and meanest peasant in Great Britain were too sensible of their valuable privileges to rest quietly under such circumstances." The people of Prince Edward "vowed that they would make it appear that they had the same sense of liberty, were equally impatient of injury, and would be no discredit to their spirited ancestors."³³

³¹ [John Carlyle to George Carlyle in Great Britain] Alexandria 16 October 1766, Carlyle Papers.

³² *Virginia Gazette*, ed. Purdie and Dixon, 18 July 1766, 2-3.

³³ *Virginia Gazette*, ed. Purdie and Dixon, 29 August 1766, 2.

Moderation prevailed. Most agreed, “If Col. Chiswell should not appear, or there [sh]ould be any partiality at his trial, I should think then it [w]ould be time enough to call any to account that have done [an]y thing contrary to law or justice.” Still, the Routledge murder preoccupied “the Thought of the People” across Virginia. William Nelson lamented that the preoccupation was “perhaps too much.” Virginians waited impatiently, however, for the resolution as the upcoming session of the General Court grew near. But, the conclusion did not occur in the hall of the General Court as expected.³⁴

On October 15, 1766, the day before his trial, Colonel John Chiswell died in his Francis Street home in the City of Williamsburg. The obituary said the Colonel succumbed “after a short illness.” Several physicians consulted and determined the cause of death. They delivered sworn statements establishing the cause of death as “nervous fits, owing to a constant uneasiness of the mind.” The rumor, however, was that the Colonel committed suicide. Popular sentiment so vilified the Colonel, many suspected that rather than show the accused any favor the General Court would be forced to ensure his conviction and execution. The Colonel, therefore, took his own life, thus protecting his family from the public spectacle of trial and execution. No doubt, Chiswell viewed suicide as his only honorable alternative.³⁵

³⁴ *Virginia Gazette*, ed. Purdie and Dixon, 10 October 1766, 1-2; William Nelson to John Norton, Virginia, 6 September 1766, *John Norton and Sons*, 16.

³⁵ *Virginia Gazette*, ed. Purdie and Dixon, 17 October 1766, 3.

Another rumor circulated among the populace. Certain of a conspiracy, one report speculated that Chiswell was not dead. This rumor assumed that Chiswell's highly placed friends would stop at nothing to prevent the Colonel's trial. They believed that Chiswell, spirited out of the Colony by his friends, staged his death as a ruse to pacify the populace and ensure the getaway. The family took Chiswell's remains to their Hanover County Scotchtown estate for interment. When the family arrived with the coffin, a large crowd stopped the family and demanded to see the corpse. The mob believed that the casket was either empty or held a substitute body. Relenting, the family finally permitted the opening of the coffin, but the arrangements and travel had taken several days. The "blackened and distorted features" of the corpse did not make identification easy. Unable to make a positive identification, the crowd sent for Colonel William Dabney, a Chiswell cousin whom the mob knew and respected.

There, on this October day, the coffin lay open on a public road while a common mob gawked at the rotting corpse of a murderer. It was as the mob dispersed after the Ritchie affair that Richard Henry Lee was revealed the charlatan. And it was Robinson's death that exposed him as an embezzler. Norfolk commoners had stripped off gentry vestments marching the inoculated to the pest house. Now Chiswell and his gentry peers lay exposed. The stench spread across the Hanover County road. Widow Elizabeth Chiswell, no doubt, tried to hide behind the doors and curtains of her carriage. But in the midst of this scene she must have been distressed that common

Hanover citizens would not acquiesce to her wishes and clear the road. It surely seemed that her way of life was rotting away. As the mob milled around the casket speculating on the corpse's identity, pointing out any peculiar features, they must have openly expressed their opinions of the justice due to murderers. How ironic, and how demeaning for this man who had killed another to defend against an insult to social station. Finally, Colonel Dabney arrived and attested that the casket truly did hold the remains of Colonel John Chiswell. The satisfied mob dispersed. The family then laid Colonel John Chiswell to rest.³⁶

John Chiswell's death did not put animosities in Virginia to rest. Charges of gentry privilege still rankled. The fracas had created enemies, and the animosities between them endured. William Byrd III sued Robert Bolling in the General Court, charging him with libel. In another suit, John Wayles filed libel charges against the Purdie and Dixon *Virginia Gazette* as well as Rind's newspaper. On October 17, 1766, the grand jury, "Good Men and True Friends to Liberty," declared "the said Three Indictments, NOT TRUE BILLS." Infuriated that the legal system would not grant him satisfaction, Byrd challenged Bolling to a duel. The two men agreed to keep the affair secret, but when William Byrd purchased pistols from a local merchant word got out. The magistrate arrested the two gentlemen the night before their engagement. Sworn

³⁶ John B. Dabney, "Sketches and Reminiscences of the Dabney and Morris Families, 1850" (MS. Lent to the Colonial Williamsburg Foundation Research Department by Mrs. Albert M. Pennybacker, Chattanooga, Tennessee, Typescript in Colonial Williamsburg Research Library, Williamsburg People File), 6-7.

“to their good Behaviour” before the magistrate, they canceled the duel, but not the animosity. Bitterness followed the Reverend Jonathan Boucher, too. Ten years later Colonel Charles Carter of Ludlow, husband of Colonel Chiswell’s daughter Elizabeth, incited a patriot mob against the loyalist preacher. Boucher was certain that the “rooted enmity” of the Chiswell affair was Colonel Carter’s sole motive.³⁷

As 1766 drew to a close Virginia’s leaders found themselves in crisis. When Parliament passed the Stamp Act, Virginians sharply contrasted British corruption with the virtues of their own “country.” Virginia held the British Constitution in trust and would resist the Stamp Act to keep those principles safe for all Englishmen. Now it appeared more than British corruption threatened the colony. Virginia’s leaders too showed signs of that same depravity. In the face of the charlatan, embezzler, and murderer, a group of reform-minded gentry took up the cause, convinced that Virginia must cleanse herself and become more vigilant.³⁸ It is difficult to capture this reform group as an identifiable unit. No one openly disavowed the basic reform principle: that public virtue should be the hallmark of gentry leadership. By the close of the Chiswell affair, however, it seems clear that reformers distinguished themselves in some important ways.

³⁷ *Virginia Gazette*, ed. Purdie and Dixon, 17 October 1766, 3; *Maryland Gazette*, 30 October 1766, 2; Lemay, “Robert Bolling,” 140; Boucher, *Reminiscences*, 110-112; Zimmer, *Jonathan Boucher*, 65, identifies this “Col. Carter” as Landon Carter. Lemay, 124n24, identifies Colonel Charles Carter of Ludlow. Charles Carter, Chiswell’s son-in-law, seems the more likely protagonist.

³⁸ Greene, “‘*Virtus et Libertas*,’” 98-100.

Reformers appeared to square themselves off against the foremost figures of the old Robinson machine. These eminent figures, accustomed to ruling in Virginia politics and society, found themselves brought into the public eye in some surprising ways. The press openly criticized gentlemen such as William Byrd, Presley Thornton, and President John Blair, and despite Blair's assertion, they received the clear message from reformers that "dignity" did not exempt them from public accountability. This was the same kind of pressure exerted by Robert Carter Nicholas as the new Virginia Treasurer and Edmund Pendleton, Robinson's executor. They constantly and publicly reminded Robinson cohorts of their responsibility to the Speaker's estate. It was the reformers who successfully mustered their forces and prevented Peyton Randolph, the acknowledged successor to the Robinson dynasty, from succeeding to both the Speaker's chair and the Treasury. An era had ended in Virginia's politics.

Reformers associated with and gave validity to another reform call already present in Virginia society. By attacking luxury, vice, and self-assertion prevalent in Virginia's gentry culture, reformers linked themselves with evangelical critics. It was an alliance connecting gentry reform leaders with Virginia's common folk in a new and dynamic way.³⁹

Another group attached themselves to the gentry reformers. They were the more recent immigrants to Virginia. James Mercer invoked these new merchants and

³⁹ Rhys Isaac, "Evangelical Revolt: The Nature of the Baptists's Challenge to the Traditional Order in Virginia, 1765 to 1775," *William and Mary Quarterly*, 31 (July 1974): 345-368.

investors as hard working worthy men and contrasted luxury loving gentry as their opposite. It was English immigrants James Milner and the Reverend Jonathan Boucher who took up the cause for the murdered Scot Routledge. These men represented a new, growing group of merchants and professionals in the Colony. In the mid 1760s they began flexing their political muscles.

Finally, reformers recognized the importance of enlisting common freeholders and lesser Virginians in their cause. From Norfolk to Westmoreland, Virginians rehearsed these events during the Stamp Act. In the drive to separate the offices of Speaker and Treasurer freeholders gathered and expressed their views in several counties around the Colony. Afraid that Chiswell would escape justice, reformers touted mob violence as the potential remedy. The widespread acceptance of this method may be best demonstrated by Councilor William Nelson's assertion to James Parker and Cornelius Calvert after hearing testimony on the Norfolk Smallpox riot. "Extending his right arm his face as Red as fire," Nelson confirmed the validity of mob action. "I would hang up Every man that would inoculate even in his Own house," he cried.⁴⁰

Conditions in the mid 1760s laid the foundation for dramatic change. Over the next ten years Virginians would continue reshaping their social and political alliances. Gentry leadership, fractured by the tensions of the 1760s, would mend wounds and

⁴⁰ James Parker to Charles Steuart, Norfolk, October 1769, Charles Steuart Papers MS 5025, 215-220.

once again consolidate its authority. Middling Virginians – merchants, tradesmen and professionals – would form new alliances with gentry leaders and in the process fracture into some of the most vehement patriots and loyalists of the revolution. And common Virginians would lend their support to Virginia's leaders and make a revolution possible.

CHAPTER VIII

ASSOCIATION

The scandals of the mid 1760s tarnished the reputation of Virginia gentlemen and questioned the moral authority of gentry. As the decade turned, gentry discovered that relations with their lessers had changed. Gentlemen stepped forward into the Townshend Duties protest, but when they looked over their shoulders few stood behind them. In 1769 and 1770, gentlemen learned that successful protest against imperial policy required that they actively cultivate coalitions with other interest groups in Virginia. As they fashioned a new coalition with merchants, however, gentry also questioned the motives of traders, raising doubts in the public mind about merchant loyalty to Virginia, questions that became increasingly important in the early 1770s.

Death visited the Governor's Palace in the early morning hours of March 3, 1768. The Honorable Francis Fauquier, Esquire, Lieutenant Governor and Commander in Chief of the dominion of Virginia, "submitted to the relentless Hand of Death, and was relieved from those numerous Infirmities which imbittered the latter Part of his Existence." He was sixty-five years old. The next morning John Blair, President of His Majesty's Council, gathered the councilmen. Blair "took the oaths

appointed to be taken by Act of Parliament” and became the colony’s interim chief executive.¹

Tuesday, March 8, at three o’clock, Virginians laid the Governor’s remains to rest at Bruton Parish Church. Colonel John Prentis and his city militiamen – “decently clothed . . . and their arms clean and in good order” – accompanied the body from the Palace to the Church. Members of the Council, Speaker Peyton Randolph, Treasurer Robert Carter Nicholas, Attorney General John Randolph, and “all the Gentlemen in this city and its neighbourhood” joined the procession. After the service, with the Governor’s remains laid in the ground, “the Militia made three discharges over the place of interment” saluting the man who had served ten years as the King’s lieutenant in Virginia.²

Eulogies and obituaries extolled Fauquier’s service. He was “a faithful Representative of his Sovereign; he was vigilant in government, moderate in Power, exemplary in Religion, and merciful where the Rigour of Justice could by any means be dispensed with.” Testimonials hailed the man’s private virtues as no less impressive. Fauquier “was warm in his Attachments, punctual in his Engagements, munificent to Indigence, and in his domestick Connexions truly paternal.” Public printer William

¹ *Virginia Gazette*, ed. Purdie and Dixon, 3 March 1768, 2 and 3; and *Virginia Gazette*, ed. Rind, 3 March 1768, 2. *Executive Journals, Council of Colonial Virginia*, 6: 286.

² *Virginia Gazette*, ed. Purdie and Dixon, 10 March 1768, 3.

Rind's obituary ended with the injunction, "Let his Successors therefore walk in his Paths."³

Fauquier may have skillfully maneuvered his way through Virginia politics, but the path was more than a little rocky. It was dark and difficult. Over the years, Fauquier acted the part of a mediator, negotiating a course between royal policy and Virginia interests. When the ministry wanted Speaker Robinson removed from the Treasurer's position, Fauquier held royal authority at arm's length. During the Stamp Act crisis Fauquier neither acquiesced to Virginia's protest nor provoked confrontation with Virginians. Westward expansion, however, was a more difficult problem. Although the Crown's 1763 proclamation line solidified its earlier policy and prohibited settlement west of the Allegheny mountains, it did not succeed in preventing settlement.

When squatters moved across the boundary, they came in conflict with Native Americans. In January 1768, Fauquier received a communication from General Gage, commander of the British Army in America, under whose jurisdiction fell the safety of the western frontier and administration of the Indian territories. His letter informed the Virginia governor of yet another brewing conflict between natives and squatters. Caught between a royal injunction, Native American interests, the pleas of land speculators, and the actions of Virginia squatters, Fauquier could find no clear course of action. Though extremely ill, he called for a meeting of the General Assembly,

³ *Virginia Gazette*, ed. Rind, 3 March 1768, 2.

hoping it could implement some stringent measures to halt the westward invasion of Indian lands.⁴

By the March 1768, session Fauquier was dead, and it fell upon John Blair, President of the Council, to lay the government's concern over these frontier tensions before the House. In his address to the "Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Burgesses," Blair presented letters from General Gage and Sir William Johnson, Superintendent of Indian Affairs, to the legislators. The President informed them that "a Set of Men, regardless of the Laws of natural Justice, unmindful of the Duties they owe to Society, and in Contempt of the Royal Proclamations, have dared to settle themselves upon the lands near Red Stone Creek, and Cheat River." This new encroachment on Indian lands threatened to plunge the frontier into an "Indian War." Blair called on the legislators to remember "the Torrents of human Blood which drenched our Lands, and the cruel Captivity to which so many of every Age and Sex were subjected" during the last war.⁵

Unfortunately, the Virginia government could not effectively remove squatters from Indian lands. Blair marveled that "we have not a coercive legal Power, sufficient

⁴ *Executive Journals, Council of the Colony of Virginia*, 6:285. For a discussion of the British army's role in maintaining the 1763 Proclamation line see John Shy, *Toward Lexington: The Role of the British Army in the Coming of the American Revolution* (Princeton: Princeton University Press, 1965), 57-62.

⁵ *Journal of the House of Burgesses of Virginia 1766-1769*, 143.

to restrain and punish those, who, by their Conduct, are drawing upon the whole Community one of the dreadfulest public Calamities.” He asked the Assembly to act against these “Banditti” and “strengthen the Hands of Government” by “some prudent Law” enabling the Virginia executive to “prevent the fatal Consequences which must otherwise follow, from the Discontent and naturally vindictive Dispositions of the Indians.”⁶

Despite Blair’s eloquent appeal, Burgesses gave short shrift to the western problem. Many Burgesses were investors in speculative land companies and not interested in providing strong support for a British policy protecting Native American land claims. Nor were they interested in extending protection to the settlers who squatted on lands that speculators claimed. On Monday, April 4, the House adopted three resolutions outlining its position on the frontier problem. First, the Burgesses resolved that the “Incroachments made on the Lands of the Indians” were “high Crimes and Misdemeanors.” They further held that these crimes should be “severely punished, as they have an immediate Tendency . . . to bring on a War, in which a great Deal of Blood must be spilt.” Second, the Assembly stated that “if any of the Inhabitants of this Colony have settled on Cheat River and Redstone Creek, it was without the Knowledge or Approbation of this Assembly.” The legislators called on the King for a change in the proclamation line, a change favorable to the Ohio land companies. They

⁶ *Ibid.*

also expressed “no Doubt he [the King] will soon have all Matters adjusted with the Indians, so as to leave no Cause of Complaint.” Their final resolution called upon Blair to make the House resolutions “known to those Nations, who are alarmed at the Behavior of our People on the Frontiers.” The President was also to “warn the Inhabitants of this Colony not to do any thing inconsistent with the public Faith.”⁷ They did not empower the Virginia executive to take any action. It was a weak and noncommittal response. Then they turned their attention to what their county constituents deemed more immediate concerns: the Declaratory and Townshend Acts.

Repeal of the Stamp Act had proved an incomplete victory. If the Declaratory Act had remained a statement of principle, Virginians could have coexisted with the notion that Parliament could impose taxes but chose not to. However, it was not long before Parliament invoked the Declaratory Act’s principles. When Virginians received word of the Townshend Duties, the news rekindled the kind of vehement opposition that had surfaced during the Stamp Act crisis. Virginians objected first to the import duties on British manufactured glass, painters’ colors, paper, and tea. Unlike the Stamp Act, Parliament explicitly designed these duties as an external tax, but it was, still, clearly a revenue tax. The distinction between internal and external tax did not quiet the fears of Virginians. More dangerous was the way Parliament intended to use these revenues.

⁷ *Ibid.*

Parliament slated the Townshend Duties to pay a portion of royal salaries in North America. Colonists quickly surmised that royal officials, independent of the financial support voted by colonial legislators, would become a threat. Only when royal officials were dependent on colonial legislatures for these salaries could representatives maintain some measure of influence and control over the administration of local affairs. Other Townshend measures further bolstered this concern. Townshend established new vice-admiralty courts to strengthen the crown's prosecution of American smugglers. The acts established an American Board of Commissioners of the Customs. This Board altered the structure of colonial government that colonists were accustomed to. Townshend's Board of Customs reported directly to the ministry instead of through the British Board of Customs, further centralizing control of colonial affair in the hands of royal officials. Also, the Townshend Acts affirmed writs of assistance, giving superior court judges the right to issue the writs to customs officials. The net effect of these measures increased the power of royal authorities in the colonies at the expense, many felt, of the legislative bodies. One visible symbol of that power came in punitive measures directed at the New York Assembly.⁸

The Quartering Act of 1765 required that colonial assemblies support troops stationed in America. When the New York Assembly refused to appropriate beer and

⁸ Robert W. Tucker and David C. Hendrickson, *The Fall of the First British Empire: Origins of the War of American Independence* (Baltimore: Johns Hopkins University Press, 1982), 233-275.

cider money for General Gage's royal troops, colonials saw Parliament's resolve to enforce the authority asserted by the Declaratory Act. Townshend, angered by New York's refusal, pushed measures through Parliament that threatened to suspend that colony's assembly. After their initial refusal, New York's legislature met again and approved support for Gage's troops. Although New York's governor never had to carry out the suspension order, Townshend's swift and punitive action alarmed Virginians.⁹

Colonies north of Virginia responded quickly to the Townshend acts. Massachusetts' assembly petitioned the King. Then, in an extraordinary step, Massachusetts legislators issued a circular to other colonial assemblies requesting concerted and coordinated resistance. Massachusetts also took the lead in organized resistance, planning the type of import restriction that had proven successful against the Stamp Act. As early as August 1767, Boston proposed a boycott of British goods for implementation in October. Boston merchants agreed to the boycott, contingent on the agreement's adoption by New York and Philadelphia merchants also. When Philadelphia's merchants did not subscribe, the nonimportation coalition failed.¹⁰

The Virginia Assembly could not act swiftly on the news of the Townshend

⁹ Tucker and Hendrickson, *Fall of the First British Empire*, 233-275 and Shy, *Toward Lexington*, 250-266.

¹⁰ Arthur Meier Schlesinger, *The Colonial Merchants and the American Revolution 1763-1776* (New York: Facsimile Library, Inc., 1939), 104-120.

Duties. It was not in session at the time and did not meet until the spring of 1768. Text of the Massachusetts Circular, though, traveled around Virginia sparking conversation and debate. In some quarters opposition was vehement. Arthur Lee's *Monitor's Letters* published in Rind's *Virginia Gazette* between January and April helped keep Parliamentary measures in the forefront. In March, Lee implored his readers to meet and instruct their representatives. He even provided a text for the instructions. It asserted that Virginia's freeholders maintained the "privilege" of electing representatives and that only representatives they elected could "levy money upon us." Any attempt to "take this privilege from us" was "oppressive and unjust." There was a call for colonial unity in a note that "such attempts made upon any one colony" concerned "every British colony in America." Lee called for the Assembly to petition for the repeal of the Townshend Duties and the Quartering Act. The next two statements were somewhat bolder. He suggested a phrase stating that the "British Parliament" did not "and cannot represent us" and then called for "a bill of rights; to the end that we may no more be alarmed with invasions of our liberties." ¹¹

Despite Arthur Lee's incitement, the activism characteristic of the Stamp Act crisis did not materialize that spring. His call for popular action gave way to the competing impulse of more traditional and deferential politics. The Norfolk Sons of

¹¹ *Virginia Gazette*, ed. Rind, 17 March 1768, 1. Rind also published a complete edition of the *Monitor's Letters* in *The Farmer's and Monitor's Letters to the Inhabitants of the British Colonies* (Williamsburg: William Rind, 1768).

Liberty – prone to publishing their resolves in the press – maintained a public silence. The associators of Westmoreland County did not rally. And freeholders did not unite at Courthouses to embrace Lee’s instructions to their representatives. Instead, several counties adopted a more conservative approach and in the tradition of deferential politics crafted petitions addressed to the entire House of Burgesses. Clearly, the Townshend Duties did not engender the public displays so popular in stamp resistance. While the petitions asserted Virginia’s rights to representative government, they did not take up the more radical of Lee’s proposals. The petitions did, however, ensure that a discussion of the Townshend Duties and related acts would come to the floor of the House.

Freeholders of Chesterfield, Henrico, Dinwiddie, and Amelia Counties subscribed their names to a petition. They contended that “the Act of Parliament lately passed, suspending the legislature Power of the Colony of New York, had . . . a fatal Tendency, and seemed . . . destructive of the Liberty of a free People.” Freeholders were “impressed with the deepest Sense of the Danger of losing their antient Rights and Privileges as Freemen.” Their petition requested that Burgesses take their “Grievance under . . . Consideration, and implore his Majesty, in the most humble Manner, for a Repeal of the said Act.”¹²

¹² *Journal of the House of Burgesses of Virginia, 1766-1769*, 146-148. Petitions were a traditional and accepted manner of addressing the Assembly. Usually these petitions requested specific actions by Burgesses on behalf of a certain group, locality,

A Westmoreland petition began by stating that the Virginia Assembly was “the only true and constitutional Representative of the People of Virginia.” As such, the House of Burgesses was the “only Assembly, where, consistently with Law and Liberty, Taxes can be imposed” on Virginians. The Townshend Duties and Quartering Act were taxes “destructive” of Virginia’s “Liberty and Rights, founded as they are on the English Constitution, confirmed by Charter, and frequently recognized by the British Parliament.” The act suspending the New York legislature also alarmed Westmoreland freeholders. It proved that Parliament would take extraordinary lengths to enforce its illegal taxes. The “Freeholders of Prince William County” echoed these sentiments in their petition to the House. They asserted, “it is the undoubted Right of every Subject of Britain to be taxed only by Consent of Representatives chosen by themselves.”¹³

In sympathy with the petitions of Freeholders, the Speaker, on April 4, 1768, also laid before the House the Massachusetts Circular. On April 5, after adopting their frontier resolves, the House examined the act of Parliament suspending the New York

or individual. We have previously noted the petitions of the Falmouth Trustees to realign the main street and the petition of free blacks concerning the tithable law.

¹³ *Ibid.* I have not located a subscribed copy of the Westmoreland petition. The House journal only notes that the petition was signed by the “inhabitants” of Westmoreland County. It seems that Richard Henry Lee was noticeably absent. No doubt, criticism he received following the Stamp Act affair demanded he keep a low profile.

Assembly along with the other Townshend Acts. That day they met in a committee of the whole house to consider the state of the colony. It was the first of three meetings where representatives discussed fully the Townshend Acts and their implications. On April 7 the House adopted several resolves. They appointed a twelve-member committee to draft a Petition to George III, a Memorial to the “Lords Spiritual and Temporal,” and a Remonstrance “to be laid before the Honorable House of Commons.” They further instructed the committee on the contents of these letters. The Burgesses wished to express their loyalty to the monarch, offer thanks for the Stamp Act repeal, and declare a deep attachment for their mother country. In addition, the letters were “to represent that we cannot but consider several late Acts of the British Legislature, imposing Duties and Taxes to be collected in the Colonies, as an Infringement of those Rights.”¹⁴

Over the next several days the Assembly reviewed drafts of these addresses. The content of the letters, however, began moving away from the original instructions. Richard Bland reported after each meeting of the whole house that while “they had made some Progress,” the committee drafting the letters had “several Matters referred to them.” The Petition, Memorial, and Remonstrance were evolving into a pointed protest of Parliament’s actions under the Townshend administration. On April 14,

¹⁴ *Journal of the House of Burgesses of Virginia, 1766-1769*, 146, 149, 15-153, and 157-158.

Burgesses met again in a committee of the whole and after “several Amendments” agreed on wording of the letters. Bland “read the Report in his Place; and delivered the Petition, Memorial, and Remonstrance, with the Amendments, in at the Clerk’s Table.” George Wythe, the House clerk, read the letters once and “then a second Time one by one; and upon the Question severally put thereupon.” The Petition, Memorial, and Remonstrance passed the House.¹⁵

The Petition “To the King’s Most Excellent Majesty” acknowledged “the many great and single Benefits” that Virginia “reaped from their parent Kingdom, under the glorious and auspicious Reigns of your Majesty and your royal Ancestors.” While celebrating the “Repeal of the late oppressive Stamp Act,” Burgesses also lamented “the shortness of that interval of happiness.” The “several late acts of the British Parliament” were “equally burthensome to your Majesty’s Colonies” and “derogatory to those Constitutional Privileges and immunities” that Virginians “have ever esteemed their unquestionable and invaluable birth Rights.” Prostrating themselves before the monarch, the Assembly implored “your Fatherly goodness and Protection of this and all their sister Colonies in the Enjoyment” of these ancient rights. They declared as a basic principle the “inestimable right of being governed by such Laws only, respecting

¹⁵ *Journal of the House of Burgesses of Virginia, 1766-1769*, 161, 163, 164-171.

their internal Polity and Taxation as are derived from their own Consent with the approbation of their sovereign.”¹⁶

Their Memorial “To the Right Honorable the Lords Spiritual and Temporal in Parliament Assembled” observed the same expressions of loyalty. Burgesses lamented “that the Remoteness of their Situation from the seat of his Majesty’s Empire too often exposes them to such misrepresentations as are apt to involve them in censures of Disloyalty.” But Virginians were “inferiour to none of their fellow Subjects in any part of his Majesty’s Dominions, for duty or affection.” As such, Burgesses claimed “the natural Rights of British Subjects.” One fundamental right held “that no Power on Earth has a right to impose Taxes upon the People or to take the smallest Portion of their Property without their consent.” If Virginians conceded this principle “the Constitution must expire” also. “No Man can enjoy even the shadow of Freedom; if his property, acquired by his own Industry and the sweat of his brow, may be wrested from him at the Will of another without his own Consent.” Townshend’s Acts violated this basic principle. Virginia’s representatives assented to Parliament’s right to “make Laws for regulating the Trade of the Colonies” even when they injured one part of the Empire to promote the welfare of the whole. The Townshend Duties, however, imposed taxes on the “necessaries of Life, to be paid by the Colonists upon Importation.” The duties did not promote the welfare of the whole. Their sole purpose

¹⁶ *Journal of the House of Burgesses of Virginia, 1766-1769*, 165.

was “to raise a Revenue, or in plainer Words to compel the colonists to part with their Money against their inclinations.” Further, using these revenues to compensate royal officials “may in time prove Destructive to the Liberties of the People.” After citing concerns over the act suspending the New York Legislature, the Memorial beseeched the Lords “to use your Parliamentary Power and influence in procuring a Repeal of the above recited Acts of Parliament.”¹⁷

The Remonstrance to the House of Commons was even more pointed and direct. With “Grief and Amazement” the Burgesses countered charges that they were “disloyal” subjects and “disaffected” to His Majesty’s government. They celebrated the “Happiness and Security they derive from their Connexions and dependance upon Great Britain.” Again they asserted the “common unquestionable Rights of British Subjects.” Virginians were full British subjects, not “Vagabonds and Fugitives.” This birthright afforded the full protection of the British Constitution. As “a fundamental and vital Principle of their Constitution” Virginians could not be “subjected to any kind of Taxation or have the smallest Portion of their Property taken from them by any Power on Earth without their Consent.” Without direct representation, Parliament held no right to impose a tax upon Virginians. Parliament’s duties on the colonies and dissolution of representative assemblies were actions “much fitter for Exiles, driven from their native Country after having ignominiously forfeited her favours and

¹⁷ *Journal of the House of Burgesses of Virginia, 1766-1769*, 166-168.

Protection.” But Virginians were “British Patriots” and would “never consent to the Exercise of anticonstitutional Powers.” The House of Burgesses explicitly stated they did not seek “independency” from Britain. If Parliament, however, did not redress their grievances Virginians would take retaliatory actions. Burgesses threatened to carry out a nonimportation agreement. Contracting “themselves within their little Spheres,” the colonies would “content themselves with their homespun Manufactures.”¹⁸

These were strong letters of protest. The House called for a conference with the Council to review their contents. Normally, Governor and Council served to moderate Assembly action. When the Governor judged legislation, resolves, or petitions offensive to the Crown, Lords, or Parliament, he interceded on behalf of the Crown. Usually, this moderating influence occurred in conferences between members of the Council and House. In extreme cases the Governor dissolved the Assembly. This spring of 1768, however, President of the Council Blair did not have the strength as an administrator or ability as a negotiator, or possibly, as a Virginian, he did not have the inclination.

House and Council did confer, but the councilmen offered no amendments or changes. They agreed, freely and fully, to support the Petition, Memorial, and Remonstrance. Hence, the letters were adopted as joint addresses from House and

¹⁸ *Journal of the House of Burgesses of Virginia, 1766-1769*, 168-171.

Council. Speaker Randolph received instructions to send a copy to the House's Agent for publication in the English press. In addition, he forwarded copies to other colonial assemblies. President Blair forwarded the official copy to "his Majesty's principal Secretary of State." In his letter to Lord Hillsborough, Blair conceded that the addresses to King, Council, and Parliament were "deliver'd in strong Terms." The acting governor hoped, however, "your Lordship will think them express'd with great modesty and dutiful Submission; and as such I cannot but recommend them to your Lordship's favour." Blair's letter did not mollify Hillsborough and the minister expressed his anger in the instructions for the King's new Virginia governor.¹⁹

George III selected Norborne Berkeley, Baron de Botetourt to be Virginia's new governor. For years the Governor of Virginia had resided in England, sending a lieutenant to manage the colony's affairs. Rising tensions convinced the British government that an increased royal presence in the colonies was necessary and required all governors to reside in their appointed colony. Botetourt's initial instructions expressed the crown's displeasure with Virginia's provincial government. "Our council and House of Burgesses," the instructions read, have denied and drawn "into question the power and authority of parliament to enact laws binding upon the colonies and the inhabitants" of Virginia "in all cases whatsoever." The petitions and

¹⁹ *Journal of the House of Burgesses of Virginia, 1766-1769*, 173 and 175-177; James Blair to Lord Hillsborough, PRO, CO, 5, 1346, f. 49.

Randolph's subsequent circular letter to colonial assemblies were "of a very factious and unjustifiable nature and extremely offensive to us." Botetourt was to dissolve the current Assembly and call new elections. When the new legislature convened, he was to inform them of "our firm resolution to support and preserve entire our ancient, just, and constitutional right to enact laws, by and with the advice and consent of our parliament, to bind all and every part of our empire in all cases whatsoever." The crown expressed confidence that Botetourt's "zeal and ability" would convince Virginians "of the error of their proceedings" and that Virginians would "desist from the unwarrantable pretensions they have set up in opposition to the constitutional authority of parliament." If Virginians were persistent in their views, then Botetourt, as instructed, would dissolve the assembly and "suspend from their seats at the council board such members thereof as shall give their assent and concurrence to any such votes, resolutions, or addresses."²⁰

Virginians did not wait long to meet Fauquier's successor. On October 25, 1768, his Excellency landed at Hampton in his Majesty's ship the *Rippon*. He arrived in Williamsburg Wednesday evening, October 26, and made his first appearance at the Capitol gate. Met by the Council, Speaker, Treasurer, Attorney General, and "Gentlemen of the Bar," he proceeded directly to the Council Chamber. There, the

²⁰ Additional Instructions Upon Disturbances in Virginia, 1768, CO 5/1346 ff 77-80, published in *Royal Instructions to British Colonial Governors, 1670-1776*, ed. Leonard Woods Labarre (New York: Octagon Books, 1967), 1: 362-365.

clerk formally read his commissions. Three council members, John Blair, William Nelson, and Thomas Nelson witnessed as Botetourt “took the Oaths appointed to be taken by Act of Parliament, repeated and subscribed the Test and took the Oath for the faithful discharge of the Office of Governor General, and due observation of the Acts of Trade.” Then the new Governor turned to his councilmen and administered the oaths to them. Governor and Council issued their first order “continuing all public Officers in their respective Places.” With these formalities complete, Botetourt and the gentlemen retired to the Raleigh Tavern. In celebration “The city was handsomely illuminated, and every demonstration of joy shewn by all ranks, that such short notice would admit of.”²¹

The following day Botetourt met with his Council again. He issued a proclamation dissolving the General Assembly and informed the people that he would soon issue writs for the “election of Burgesses to serve in the new Assembly.” In November, Governor and Council decided that the Assembly’s next meeting would occur in May of 1769. In preparation, they scheduled December elections. Over the next several months, Botetourt received and graciously acknowledged the addresses of Virginia communities pledging their loyalty to King and requesting the royal

²¹ *Virginia Gazette*, ed. Rind, 27 October 1768, 2; *Executive Journals, Council of Colonial Virginia*, 6: 301.

Governor's favor.²² In the midst of these expressions of fidelity, Botetourt also received a reminder of Virginia's vehement opposition to Parliament. Early in 1769, William Rind, the Public Printer, issued a copy of the 1768 Petition, Memorial, and Remonstrance. The republication of the protest reaffirmed Virginia's attitudes toward the Townshend Duties.²³

²² *Virginia Gazette*, ed. Rind, 27 October 1768, 2; *Executive Journals, Council of Colonial Virginia*, 6: 302-303 and 308. Generally the addresses not only pledged loyalty, they informed the governor of some special concern, need or support desired by that particular community. The Quakers addressed the Governor on November 24 (see *Virginia Gazette*, ed. Rind, 24 November 1768, 2) informing him that some of their "religious tenets have frequently exposed us to sufferings." Botetourt promised that "the free exercise of your religion being continued to you, together with that regard and protection to which a peaceable behavior, and submission to those in authority, will forever entitle you." On December 1, Botetourt received "The plain but sincere Address of the Merchants and Freeholders of the town of Portsmouth" who in their "present infant state are of no great importance; yet . . . derive hopes to ourselves of being in a short time no inconsiderable town of trade." See *Virginia Gazette*, ed. Rind, 1 December 1768, 1.

²³ [Petition, Memorial and Remonstrance, April 14, 1768] (Williamsburg: William Rind, 1769 in the collection of the Colonial Williamsburg Foundation). This is an interesting printing of the Petition, Memorial and Remonstrance. It begins with a note from George Wythe, Clerk of the House. His printed explanation says that the Petition, Memorial and Remonstrance "were ordered by the House of Burgesses not to be published with the Journals until the 25th of December, before which Time it was supposed they would be laid before his Majesty, and both Houses of Parliament." The content of the letters, however, was common knowledge. Rind's April 21, 1768, *Virginia Gazette* contained the April 7 resolves of the House used to frame the protest. On June 9, 1768, Rind advertised in his *Virginia Gazette* that he had "Just Published . . . The Journal of the House of Burgesses for the last session of Assembly." That printing included the Petition, Memorial and Remonstrance. In addition, the House order referred to by George Wythe in his explanatory note to the 1769 edition of the Petition, Memorial and Remonstrance, does not appear in the Journals of the House.

Discussion of the Townshend Duties and Virginia's relationship with Britain continued in earnest throughout the spring. Letters and editorials published in the *Virginia Gazette* tracked public opinion in England and the colonies. Virginians may have been hot on rhetoric, but they were short on coordinated action. Bostonians protested the Townshend Duties with a non-importation agreement in the fall of 1767. Rhode Island and Connecticut soon followed suit. New York adopted measures restricting imports in April 1768. New York and Boston continued pressuring Pennsylvania. Finally, in Spring, 1769, Philadelphia merchants adopted sympathetic measures. They, in turn, encouraged Baltimore merchants who adopted import restrictions on March 30, 1769. In each of these cases, the merchant community took on the challenge of organizing the protest. In Virginia, though, merchants and traders remained silent. Many charged that Virginia's reticence arose from the tobacco trade and the merchants who handled it. Factors – primarily Scots – conducted business for their British masters. Instead of leading the charge, Virginia merchants represented, to some, an interest group who impeded economic boycott and the struggle against tyranny. The task of fashioning the protest, therefore, fell on the gentlemen members of the House of Burgesses.²⁴

²⁴ Schlesinger, *Colonial Merchants*, 111-120, 138 and Joseph A. Ernst, "The Political Economy of the Chesapeake Colonies, 1760-1775: A Study in Comparative History," *The Economy of Early America: The Revolutionary Period, 1763-1790*, eds. Ronald Hoffman, John J. McCusker, Russell R. Menard and Peter J. Albert (Charlottesville: University Press of Virginia, 1988), 218-225.

In March, Virginians learned of Parliament's attempt at punitive action against Massachusetts' resistance to the Townshend duties. A parliamentary address to the King requested that the "Governor of Massachusetts Bay" produce a list of protesters and charge them with "treason, and misprisons of treason." Parliament further requested that George III issue a commission to transport these "criminals" to England for trial. As justification for this extraordinary measure the Commons invoked a statute dating to the reign of Henry VIII. The measure neatly bypassed the colonial legal system. Parliament held this step was necessary because "neither the Council of the said province, nor the ordinary civil magistrates" would "exert their authority for suppressing" the traitors. The prospect of this further erosion of colonial rights alarmed Virginians. So too did the realization that Parliament might also deem their protest treasonous.²⁵

The House convened Monday, May 8, 1769. Botetourt processed from the Palace down the main street in a coach presented to him by the Duke of Cumberland. Originally built for King George, the coach bore the royal arms which Botetourt replaced with the Virginia coat of arms. Six cream Hanoverian horses pulled the vehicle, their silver mounted harness glittering in the sun. The Governor himself was resplendent in his red coat and gold braid. It was an uncommon spectacle in a town

²⁵ *Virginia Gazette*, ed. Purdie and Dixon, 23 March 1769, 3.

that daily saw the Governor walking the streets between the Palace and College. There was no mistaking the royal presence at the Capitol that day.²⁶

Burgesses began their meeting with the Governor's call to attend him in the Council chamber. He instructed them to choose a Speaker. Returning to their hall, members unanimously selected Peyton Randolph and returned to the Council chamber. Botetourt declared "his Approbation of their Choice." Peyton Randolph then addressed the Governor and laid "Claim to all their ancient Rights and Privileges, particularly a Freedom of Speech and Debate, Exemption from Arrests, and protection for their Estates." It was a pro forma ceremony conducted at the convening of every newly elected Assembly. On this occasion, however, the exchange took on new meaning. Botetourt responded that he would "defend" the House "in all their just Rights and Privileges."²⁷

Attended by the Council and House, Botetourt then delivered his address in a "dignified and solemn" manner. Some "who had heard and seen George III speak and act on the throne of England," said "that his Lordship on the throne of Virginia was

²⁶ David Meade, "Meade Family History," *William and Mary Quarterly*, 1st ser., 13 (October 1904): 87; *An Inventory of the Contents of the Governor's Palace Taken after the Death of Lord Botetourt: An Inventory of the Personal Estate of His Excellency, Lord Botetourt, Royal Governor of Virginia, 1768-1770*, ed. Graham Hood (Williamsburg: Colonial Williamsburg Foundation, 1981), 12-13; *Virginia Gazette*, ed. Rind, 11 May 1769, 2 and *Virginia Gazette*, ed. Purdie and Dixon, 11 May 1769, supplement, 1.

²⁷ *Journal of the House of Burgesses of Virginia, 1766-1769*, 188-189.

true to his prototype.” Slowly, in deliberate phrases interspersed with “long pauses,” Botetourt assured them “that it is with the greatest satisfaction I have now, in obedience to his Majesty’s command, the honour to meet you in General Assembly.” He requested that the House “follow exactly, without passion or prejudice, the real interests of those you have the honour to represent.” These interests were “most certainly consistent with the prosperity of Great Britain, and so they will for ever be found when pursued with temper and moderation.”²⁸

Then it was on to the session’s business. New elections had not altered the composition or concerns of the House. The Burgesses of 1769 carried forward the sentiments from their 1768 session. Public resentment against the Townshend duties had deepened over the last year and it was evident in the more radical atmosphere surrounding the General Assembly session. Unlike the previous year, many members arrived with instructions from their constituents. We “direct and require you, as our Representatives, that you will in the strongest and most firm, but decent and respectful manner, express your disapprobation” at Parliament’s actions. Any “attempts of taxation” by Parliament “or any other power on earth” without “consent constitutionally given by our Representatives” violate the “principles of liberty.” On that first day of the session Randolph “acquainted the House” that according to their

²⁸ *Journal of the House of Burgesses of Virginia, 1766-1769*, 188-189; Meade, “Meade Family,” 87; *Virginia Gazette*, ed. Rind, 11 May 1769, 2; and *Virginia Gazette*, ed. Purdie and Dixon, 11 May 1769, Supplement, 1.

direction “he had written to the respective Speakers of the Assemblies” concerning the Townshend Acts. He laid their responses on the Clerk’s table.²⁹

On May 10, the House approved its address to the Governor. They thanked Botetourt for his “Assurances of the Royal Favour.” Members assured Botetourt that following their “indispensable Duty which we owe to our constituents,” the House would deliberate “dispassionately, and with [the] greatest Candour.” In matters concerning Great Britain, the Burgesses pledged to deliberate on the principle that the interests of Virginia and the mother country “are inseparably the same.” In other words, whatever was good for Virginia was good for Britain.³⁰

Five days later the House prepared to deliberate on the state of the colony. They recalled that “Part of the Governor’s Speech” calling on them to “consider well, and follow exactly, without Passion or Prejudice, the real Interests” of the colony. The Assembly ordered “That the Letters received by Mr. Speaker” from Virginia’s sister colonial legislators “lie upon the Table” for the perusal of members. They also laid out their correspondence with the “Agent for this Colony” dating back five years. In

²⁹ *Journal of the House of Burgesses of Virginia, 1766-1769*, 189-190; *Virginia Gazette*, ed. Rind, 27 April 1769, 2.

³⁰ *Journal of the House of Burgesses of Virginia, 1766-1769*, 199-200.

reparation, members examined several Parliamentary statutes relating to treason and trial for treason.³¹

The House formed itself in a committee of the whole on May 16 and adopted four resolves. The first maintained that the House of Burgesses was the only body that could “legally and constitutionally” impose taxes on the inhabitants of Virginia. In the second resolution members reaffirmed the right to petition “their Sovereign for Redress of Grievances” and to make those petitions in “Concurrence” with other colonies “in Favour of the violated Rights of America.” Third, contrary to Parliament’s assertion, “all Trials for Treason, Misprision of Treason, or for any Felony or Crime whatsoever” committed in Virginia were in Virginia’s jurisdiction. Extradition of these criminals to Britain was illegal. Finally, the House resolved to petition his Majesty for redress of these grievances.³²

The Governor retired to the Palace at the end of the day. He was there at around seven o’clock in the evening when, to his “great astonishment,” he learned of the Burgesses resolutions. Angered, he immediately issued summons requiring the Council meet him at noon the following day. Gathered in their chambers at the Capitol building, Wednesday, May 17, Botetourt announced his intention to dissolve the

³¹ *Journal of the House of Burgesses of Virginia, 1766-1769*, 210 and 214.

³² *Journal of the House of Burgesses of Virginia, 1766-1769*, xxxviii-xxxix; *Virginia Gazette*, ed. Purdie and Dixon, 18 May 1769, 2.

Assembly. Accordingly, he sent his messenger to the House requesting their attendance on him. The Burgesses did not immediately receive the Governor's messenger. They were meeting as a committee of the whole to approve their addresses to the King. While Botetourt's messenger remained waiting outside their chamber, the Burgesses recorded the address in their journal.³³

The address expressed "Horror" at the "new, unusual, and . . . unconstitutional and illegal Mode, recommended to your Majesty, of seizing and carrying beyond Sea, the Inhabitants of America, suspected" of treason. "How truly deplorable must be the Case of a wretched American, who, having incurred the Displeasures of any one in Power, is dragged from his native Home." Alone in a distant land, "no Relation, will alleviate his Distresses, or minister to his Necessities; and where no Witness can be found to testify his Innocence." Under these conditions the prisoner "can only pray that he may soon end his Misery with his Life." Burgesses described the advice of the King's ministers and Parliament as "pernicious," and beseeched George III to "avert from your faithful and loyal Subjects of America, those Miseries which must necessarily be the Consequence of such Measures."³⁴

³³ Meade, "Meade Family," 87; Botetourt to the Earl of Hillsborough Williamsburg 19 May 1769, Dianne J. McGaan, "The Official Letters of Norborne Berkeley, Baron de Botetourt, Governor of Virginia, 1768-1770" (M.A. thesis, College of William and Mary, 1971), 135-136; *Virginia Gazette*, ed. Purdie and Dixon, 18 May 1769, 2.

³⁴ *Journal of the House of Burgesses of Virginia, 1766-1769*, 215-216.

With their address to his Majesty officially recorded as part of their session, the Burgesses ordered “That Mr. Speaker do transmit the said Address to the Agent for this Colony, with Directions to cause the same to be presented to his Most Excellent Majesty; and afterwards to be printed and published in the English Papers.” Then the House received Mr. Walthoe, the Governor’s messenger, who announced that “The governor commands the immediate Attendance of your House in the Council Chamber.”³⁵

Speaker Randolph entered the Council chamber first, followed by the member Burgesses. He stopped “At the usual distance from the person of the representative of Majesty.” After “A solemn pause of a minute or two,” Botetourt addressed them with a “stern countenance and with considerable power.” “Mr. Speaker, and Gentlemen of the House of Burgesses, I have heard of your resolves, and augur ill of their effects. You have made it my duty to dissolve you, and you are dissolved accordingly.” Botetourt’s first General Assembly had lasted less than ten days.³⁶

The ill effects to which Botetourt referred were significant. He had failed the ministry. His instructions had been clear, but he had not prevented Virginians from

³⁵ *Journal of the House of Burgesses of Virginia, 1766-1769*, 217-218; Meade, “Meade Family,” 87; Botetourt to the Earl of Hillsborough Williamsburg 19 May 1769, McGann, “Official Letters of Botetourt,” 135-136; *Virginia Gazette*, ed. Purdie and Dixon, 18 May 1769, 2.

³⁶ *Ibid.*

expressing their “unwarrantable pretensions.” While he hoped the Assembly’s dissolution might prevent any coordinated resistance – particularly in alliance with northern colonies – the Burgesses stood prepared for extraordinary measures. While Botetourt no doubt watched from his Council Chamber window at the Capitol building, members of the Assembly made their way just down the street and reconvened in Anthony Hay’s Raleigh Tavern. Their extra-legal assembly was unprecedented. “The late representatives of the people” judged “it necessary that some measures should be taken, in their distressed situation, for preserving the true and essential interests of the colony.” Burgesses gathered in the Apollo Room. That afternoon they proposed “that a regular association should be formed.” Before adjourning for the day, they selected a committee and charged them with drawing up the plan. The extralegal assembly adjourned until ten o’clock the next morning, May 18.³⁷

A nonimportation association had been a topic of conversation for some time. Actually, George Mason and George Washington had drafted a proposition that they based on the Philadelphia model. Mason was not a Burgess, so Washington brought the draft with him and proposed it to the extralegal meeting of representatives. Washington held a very radical position for 1769. Already he announced that he would not “hesitate a moment to use a[r]ms in defence of so valuable a blessing” as the preservation of American rights as Englishmen. Admitting that armed rebellion was a

³⁷ *Virginia Gazette*, ed. Purdie and Dixon, 18 May 1769, 2.

“last resource,” Washington nonetheless rejected Britain’s response to the Assembly’s “Addresses to the Throne, and remonstrances to Parliament.” Before armed conflict, though, Virginians should attempt a nonimportation association.³⁸

There were other benefits, according to Washington. A nonimportation association encouraged Virginians to develop their own economy and decrease dependence on Britain. A successful association required investment in Virginia manufacturers, crop diversification, limited tobacco production, and decreasing consumption of the expensive luxuries that drove planters into debt and dependence on English merchants. These were compelling arguments that touched sensitive chords. Nonimportation was also a proven method for receiving a redress of grievances. It had worked, after all, in gaining a repeal of the Stamp Act. Nonimportation also signaled an important shift in Virginia’s attitudes toward the mother country.³⁹

Great Britain’s actions convinced Virginians that the mother country was sliding into a decadent morass. Thompson Mason, writing as “A British American” described a mother country sinking “to the lowest state of venality and corruption.” Her leaders no longer competed to see “who shall contribute most to the interest of his country.” Parliament and the King’s ministers vied for “the greatest dividend of her treasurers.”

³⁸ George Washington to George Mason, 5 April 1769 and George Mason to George Washington, 5 April 1769, *Papers of George Washington* 8:177-184.

³⁹ George Washington to George Mason, 5 April 1769, *Papers of George Washington* 8:177-181 and Ragsdale, *Planter’s Republic*, 82-85.

Their “lawless despotism” and “unbounded licentiousness” oppressed the English nation and her colonies. “The treatment” that Virginia “met with, hath been exceedingly rigorous.” Virginians had “too much reason to apprehend that it will be still more so.” Mason predicted that “From the present unhappy situation of Great-Britain, we have the greatest reason to fear, that the period of her ruin is not far distant.” Virginia was a shining star on this gloomy horizon. He urged Virginians “be doubly vigilant in preserving our own” country. Preserve true English liberty in Virginia “for the sake of ourselves and posterity,” he pleaded. “When Britain shall be no longer an independent kingdom,” Virginia must “afford safe asylum for her inhabitants.” In America, Englishmen could enjoy “those rights which they have lost at home.”⁴⁰

Arthur Lee, in his *Monitor's Letters* lamented that at present a “system of corruption” presided over by the “arbitrary Ministers, and their prostituted dependents” threatened to “predominate in our constitution” and destroy “our liberty.” George Mason, as “Atticus” charged that Britain was in decline, “a natural Consequence of the Luxury diffused thro’ all Ranks of People.” With this piece, published in the May 1769 *Virginia Gazette*, Mason hoped to “warn the People” of the “impending Danger” to Virginia’s liberty. He hoped he might “induce” citizens of Virginia to “more readily

⁴⁰ *Virginia Gazette*, ed. Rind, 4 May 1769, 1; William J. Van Schreeven, comp. *Revolutionary Virginia: The Road to Independence* (Charlottesville: University Press of Virginia, 1973-1983), 1:64-67.

& chearfully” concur with the “Measures” necessary to “avert” that danger. The editorial from “Atticus” outlined a nonimportation agreement as the most effective way to carry Virginia’s cause forward. When Virginia stopped buying British goods, Britons “wou’d quickly awaken their Attention” and “feel the Oppressions we groan under” and, most importantly, “exert themselves effectually on our Behalf.” He was optimistic. “Let the principal Gentlemen but set the Example, they will be quickly followed by the Bulk of the People.” ⁴¹

The Association adopted on the morning of May 18, 1769 declared that the extralegal meeting of the Burgesses represented the “Freeholders of the Colony of Virginia.” Representatives avowed their “inviolable and unshaken Fidelity and Loyalty to our most gracious Sovereign” and their “Affection for our Fellow Subjects of Great-Britain.” They had no desire to “interrupt, or in any wise disturb his Majesty’s Peace, and the good order of his Government in this Colony.” Still, they were “deeply affected with the Grievances and Distresses, with which his Majesty’s American Subjects are oppressed,” and felt an imperative to protest “the Evils which threaten the Ruin of ourselves and our Posterity, by reducing us from a free and happy People to a

⁴¹ [John Dickinson and Arthur Lee,] *The Farmer’s and Monitor’s Letters to the Inhabitants of the British Colonies* (Williamsburg: William Rind, 1769 facsimile edition, Virginia Independence Bicentennial Commission, 1969), 4. George Mason’s essay appeared in both the Rind and Purdie & Dixon, *Virginia Gazette* on 11 May 1769. In addition, it ran in the *Maryland Gazette* of the same date. Mason discussed with Washington the need for this kind of article in April. George Mason to George Washington, 5 April 1769. *Papers of George Mason*, 1: 99-100 and 106-109.

wretched and miserable State of Slavery.” The “Difficulties, under which we now labour” manifest themselves disastrously in “the present State of the Trade of this Colony, and of the American Commerce in general.” Observing the situation “with Anxiety,” representatives noted that “the Debt due to Great Britain for Goods” was excessive. Current ministerial policy, in the form of the Townshend Duties, “hath a necessary Tendency to prevent the Payment of the Debt due from this Colony to Great-Britain.”⁴²

Associators bound themselves by eight resolves, hoping their example would “induce the good People of this Colony to be frugal in the Use and Consumption of British manufactures.” They calculated that by binding themselves to a nonimportation agreement, “Merchants and Manufacturers of Great-Britain may, from Motives of Interest, Friendship, and Justice, be engaged to exert themselves to obtain for us a Redress of . . . Grievances.” By “Example” and “all other legal Ways and Means in their Power,” associators agreed to “promote and encourage Industry and Frugality, and discourage all Manner of Luxury and Extravagance.” They prohibited importing all “manner of Goods, Merchandize, or Manufactures, which are, or shall hereafter be taxed by Act of Parliament, for the Purpose of raising a Revenue in America.” Their

⁴² Nonimportation Association, 1769, Van Schreeven, *Revolutionary Virginia*, 1:74.

list enumerated nearly forty categories deemed nonimportable items. Nonimportation would begin on September 1, 1769.⁴³

The fifth resolution prohibited importation or purchase of imported slaves “after the First Day of November next.” Like the other enumerated items, associators calculated that the nonimportation of slaves would hurt lobbies that could exert influence in the repeal of the Townshend Duties. Burgesses had attempted to limit the importation of Africans several times. Each time, the ministry disallowed their measure in deference to the strong influence of British merchants. Slavery was a profitable enterprise. Maybe the recent revolt in Frederick and Loudon Counties helped influence this provision. Or possibly it was the case in the town of Alexandria. In 1767, slaves had poisoned several overseers in Alexandria. Judged and executed, the heads of these rebellious slaves still hung on the courthouse chimney, a reminder to black and whites. More important, the slave trade, it was felt, kept Virginia tied to the tobacco economy and retarded the diversification of her economy. And if the Association was to be successful, Virginians must diversify their economy and develop manufactories for the goods they now refused to import.⁴⁴

⁴³ *Ibid.*

⁴⁴ Nonimportation Association, 1769, Van Schreeven, *Revolutionary Virginia*, 1:75; Holton, “Revolt,” 211-226; *Journal of the House of Burgesses of Virginia 1766-1769*, 91, 93, and 286; *Boston Chronicle*, 11-18 January 1768; *Annual Register*, London, 1768, 69-70; and Ragsdale, *Planter’s Republic*, 119-122.

The Association also encouraged increasing Virginia's internal production. "For the better Preservation of the Breed of Sheep," associators prohibited the killing of lambs. From this point on sheep would provide wool for Virginia manufacture, not just meat for sustenance. Finally, these former Burgesses resolved that the Association was "binding on all and each of the Subscribers." They promised to "strictly and firmly adhere to and abide by every Article in this Agreement" until Parliament repealed the Townshend Acts. One hundred and sixteen Burgesses had attended the spring session of the house. Ninety-four signed the Association. A few of their colleagues had returned home after Botetourt's dissolution of the house. Other members refused to sign. "The Business being finished," Anthony Hay brought forth a libation from his Raleigh Tavern stores and the associators celebrated. They drank to King, Queen, royal family, "His Excellency Lord Botetourt, and Prosperity to Virginia." Then they tipped their glasses to "A speedy and lasting Union between Great-Britain and her Colonies," the "constitutional British Liberty in America, and all true Patriots." Further toasts included the Duke of Richmond, Earl of Shelburne, Colonel Barre, Robert Carter Nicholas "Treasurer of the Colony," the "Farmer and Monitor" (two essayists favoring American liberties), and John Robinson "The late Speaker."⁴⁵

⁴⁵ Nonimportation Association, 1769, Van Schreeven, *Revolutionary Virginia*, 1:76-77.

The following night many associators attended Botetourt at the Palace in celebration of the Queen's birthday. Throughout the day the British standard flew from the Capitol building, reminding all of the loyalty due their liege lord. Botetourt's ball was another reminder of that allegiance. It was a grand entertainment, exhibiting all the luxuries the gentlemen had foresworn. Washington was there with "a very numerous and polite company of Ladies and Gentlemen." Botetourt had hired Attorney General Randolph's cook, pastry maid, and footman to assist with the evening. Ten or more servants, dressed and groomed to provide the most genteel service, waited on the company. Seven musicians filled the ballroom with music as the company danced minuets and country dances. On the green in front of the Palace, citizens of the town, not prominent enough to attend the event, watched as ladies and gentlemen arrived. They marveled at the ostentatious display of finery and drank from the stock of bumbo the Governor had provided for their enjoyment.⁴⁶

Over the next several days associators left Williamsburg prepared to implement their resolutions. Not everyone in his home county met the challenge of associating with vigor, however. Mason and Washington's Fairfax County received the association enthusiastically, as did neighboring Prince William and Loudoun Counties. Almost a

⁴⁶ James Parker to Charles Steuart, 22 June 1769, Steuart Papers, MS 5025, 138-139; *Virginia Gazette*, ed. Purdie and Dixon, 25 May 1769, 3; *Washington Diary*, 2: 153; Badminton Account Books, 12 January 1781, Botetourt Manuscripts from Badminton, Duke of Beaufort and Gloucestershire Record Office, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm M-1395.

thousand people signed in Dinwiddie County. Even on the Northern Neck, however, non-importation was not popular with merchants. James Parker commented that Joseph Calvert carried the Association through Norfolk and gained the signatures of nearly every tailor and carpenter in town. The merchants of Norfolk (with a couple of exceptions) refused. According to Parker most of the Colony's merchants abstained. When the merchants met in Williamsburg that June they conducted their business as usual, giving no regard to the resolves of gentleman burgesses.⁴⁷

When the Assembly met in November, Botetourt had interesting news for the Burgesses. First, he informed them that the ministry was reconsidering the western boundary. Virginia could expand legally. The news greatly interested those investors in western land companies. Secondly, Botetourt gave them news of the Townshend Duties. He predicted their repeal. Further, Botetourt pledged his every effort "to obtain for America that satisfaction which I have been authorised to promise by the confidential servants of our gracious sovereign who, to my certain knowledge, rates his honour so high that he would sooner part with his Crown than preserve it by deceit." When the text of Botetourt's speech reached London, the House of Commons censured him in their debate of January 9, 1770. Hillsborough reprimanded him in a circular of

⁴⁷ James Parker to Charles Steuart, 22 June 1769, Steuart Papers, MS 5025, 138-139; Schlesinger, *Colonial Merchants*, 138-139; Ernest, "Political Economy," 231-233.

January 18.⁴⁸ Still, his words encouraged Virginia Burgesses, but not so much to cause the suspension of the Association.

Despite the reprimand that Botetourt received, reports flowed into Virginia continually, first predicting a repeal of the Townshend Duties and then confirming a partial repeal. Effective April 1770, all the duties ended, except that on tea. Parliament also allowed the Quartering Act to expire quietly. It was not a victory in the eyes of Virginians. The duty remained on tea. Probably more important, the issues raised by the Declaratory Act, authority for writs of assistance, and the transportation of felons to Britain for trial were unresolved. Commentators published in *The Virginia Gazette* lamented the lack of support received from their “friends” in Britain. The only recourse, many Virginians felt, was development of a more stringent nonimportation agreement.⁴⁹

Virginians admonished their British “friends,” but their own performance was somewhat disappointing. To the protesters’ chagrin British imports increased. In 1768, the Chesapeake colonies imported goods amounting to £670,000. In 1769, they reached £715,000, rising to £997,000 in 1770. The Burgesses hoped to lead by example, though many of these gentlemen were responsible for the increase of imports.

⁴⁸ *Virginia Gazette*, ed. Purdie and Dixon, 9 November 1769, Supplement, 1; Peter D. G. Thomas, *Townshend Duties Crisis: The Second Phase of the American Revolution, 1767-1773* (New York: Oxford University Press, 1987), 165-166.

⁴⁹ Ragsdale, *Planter’s Republic*, 89-91.

George Washington, though an instigator of the Association, ordered restricted products. Merchant William Allason ordered paper, but asked for special packing. "It will be necessary that the Package be said to contain only printed books." Washington hoped that even if the Association proved ineffective as an economic tool of protest, it would draw Virginians together. Nonimportation should reduce the debt load of Virginians. Even the poor white would benefit because "as he judges from comparison, his condition is amended in proportion as it approaches nearer to those above him." Factors generally did not embrace the 1769 Association, however. They continued providing restricted goods to the poorer farmers who traded with them. As a uniting factor, the Association failed. It was an agreement between gentlemen who assumed their constituents would follow their example.⁵⁰

The 1769 Association had not provided for any degree of popular support. During the Stamp Act crisis, for example, protest reached a popular level that included spectacles in Norfolk. Richard Henry Lee's effigy burning and the march on Hobb's Hole captured a broad public appeal and also caused people to think carefully about

⁵⁰ Jacob Mr. Price, "New Time Series for Scotland's and Britain's Trade with the Thirteen Colonies and States, 1740 to 1791," *William and Mary Quarterly*, 3rd series 32 (April 1775): 307-325; James Thomas Flexner, *George Washington: The Forge of Experience 1732-1775* (Boston: Little, Brown and Company, 1965), 314-36; Freeman, *George Washington*, 3: 228-230; Ragsdale, "George Washington," 158-159; William Allason to Mr. James Knox, 3 November 1769, Allason Letter Book 1757-1770, 175; George Washington to George Mason, April 1769, *Papers of George Washington*, 8:177-181; Ragsdale, *Planter's Republic*, 95-96; Ernst, "Political Economy," 231-234.

violating injunctions against using stamped paper. Without that broad base of support, nonimportation failed. In late spring 1770, the associators set about building that base of support.

Redesigning the Association was not an easy task. A significant faction favored dropping the nonimportation strategy altogether. Parliament had repealed most of the duties. It showed the mother country's good faith and Virginians should be prepared to meet Parliament halfway. Edmund Pendleton and Treasurer Robert Carter Nicholas headed this faction. Others – principally Northern Neck gentlemen – favored a new, more stringent association. They favored strong enforcement too, believing some – particularly Scots factors – would not support nonimportation willingly. They pointed to the dangerous Declaratory Act, the Quartering Acts, writs, and other unconstitutional measures. That sentiment peaked in March of 1770, when Virginians learned of the Boston Massacre. Colonial citizens had been shot down in the streets of Boston by the troops forcibly quartered in their town. But as the spring wore on, information about the northern brethren they supported distressed Virginians. Word spread that New England merchants imported British goods almost without restriction. The few Virginians who had complied began to feel their sacrifices were futile.⁵¹

⁵¹Mapp, *Virginia Experiment*, 339-340; Mays, *Pendleton*, 1:60; Edmund Pendleton, *Letters and Papers of Edmund Pendleton 1734-1803*, ed. David John Mays (Charlottesville: University Press of Virginia, 1967), 1:260; Ernst, "Political Economy," 232-234.

The General Assembly reconvened on May 21, 1770. During this session Burgesses met as associators and planned a redesign of the nonimportation Association. This time, however, they invited “the Body of Merchants, assembled in this city” to collaborate. Apparently this was not an easy decision for the Burgesses. It was the occasion for “some warm debates.” Merchants congregated in Williamsburg to conduct business with the court. The occasion also provided the opportunity to discuss matters of trade, agree on tobacco prices, and rates of exchange. Merchant James Balfour delivered the invitation for merchants to join the associators. He assembled the merchants for a meeting and there they decided to accept the invitation. Actually, Burgesses may have coerced the cooperation of these merchants. James Parker reported that Archibald Cary had spoken with “all Merchts about the head of James River” and expressed his hope that “they would be all consenting” to assist the associators. If they did not, Cary threatened that the militia would “shut up their Stores.” In any case, with the merchants’ participation the new draft Association “underwent some considerable amendments.” In the end most of the merchants agreed to the new resolutions, the modifications making them “not of great prejudice to the trading part of the Colony.”⁵²

⁵²To Mr. David Walker from James Robinson, 11 July 1770, Devine, *Scottish Firm*, 31. James Parker to Charles Steuart, 2 August 1770, Steuart Papers, MS 5040, 101-102.

The 1770 Association relaxed importation restrictions. Hoes, axes, sugar, pewter, cambric less than six shillings a pair, men's and women's riding saddles were all removed from the embargo list. They raised price ceilings for other enumerated cotton and woolen cloths. In short, the new Association did not restrict importation of the inexpensive goods carried by Scottish factors. The enforcement schedule also granted concessions to merchants. Associators agreed to stop ordering enumerated goods immediately, but the agreement permitted them to accept goods imported on commission through September 1, 1770. They could receive any goods ordered before signing the Association until Christmas day. Importation of slaves ended on November 1, 1770.⁵³

The new Association may have given concessions to merchants, but it also included a new element directed at enforcement. Each county was to select "a committee of five" elected by "a majority of the associators" in that county. This committee enforced the Association by publishing "the names of such signers of the association as shall violate their agreement." The agreement also granted this committee authority "to see the invoices and papers" of merchants and importers. If they discovered "any goods therein contrary to the association" the committee was to inform the offender and insure their return "to the place from whence they came." If

⁵³ Ragsdale, *Planter's Republic*, 92-95.

the individual refused, the committee was to “publish an account of their conduct” and expose the offender to public censure.⁵⁴

Public opinion was increasingly becoming the main tool for building a sense of common purpose and community in the colony. It was also fast becoming the best means of coercion. Anyone resisting the sense of the local community in this economic protest found themselves censured. The growing use of the press advertised these strictures to the entire colony. Merchants depended on investors, fellow merchants and ships captains from other Virginia counties. The publication of a merchant’s name with the label “enemy to American liberty” could result in financial ruin if others in the colony became afraid to conduct business with him. It was the public press that made this threat of censure so substantial.

This time it was not just gentleman Burgesses who penned their names to the document. Burgesses and merchants both subscribed their names to the Association on June 22, 1770. Just below Peyton Randolph’s signature, with his title of Association “Moderator,” appeared Andrew Sprowle’s. Sprowle was a merchant elected by the exchange, “Chairman of the Trade.” He presented quite a contrast as he stood next to Speaker Randolph, the foremost gentleman of the colony. Though the top of his head was bald, the elderly Sprowle wore his own white hair, not a wig, tied in a queue. Sprowle cut “as droll a Figure as ever you saw Him in a Silk Coat and two or three

⁵⁴ Van Schreeven, *Revolutionary Virginia*, 1:78-84.

Holes in his Stockings.” It was nonetheless a respectable middling man’s appearance. These two initial subscriptions made clear that the Association was a joint venture between political and commercial leaders. Below these signatures appeared names of other merchants, tradesmen, and Burgesses. It was an interesting alliance.⁵⁵

Among those who signed in Williamsburg was Archibald Goven, the Port Royal Scottish Factor. Archibald Ritchie of Hobb’s Hole was also a notable signer. Both he and Richard Henry Lee signed at the Raleigh Tavern that day. Archibald Campbell the Norfolk merchant signed. So did William Rind along with his rivals, the partnership of Alexander Purdie and John Dixon. John Norton of Yorktown signed. He was the Virginia arm of the London-based John Norton and Son merchant firm. John Greenhow and Thomas Hornsby, competing Williamsburg merchants, subscribed. Though the Burgesses had included the merchants gathered in Williamsburg, these first signers still represented a small cross section. To be successful, the Association required broader based support. Randolph instructed the Burgesses to take the Association to their counties and collect signatures. After subscribing as many constituents as possible, each representative agreed to call a meeting of the signers.

⁵⁵ Nonimportation Association of 1770, Van Schreeven, *Revolutionary Virginia*, 1:82-83; William Nelson Letter to London, 1768 quoted in *A Brief and True Report for the Traveller Concerning Williamsburg in Virginia* (Williamsburg: Colonial Williamsburg Foundation, 1935), 77-78.

Within two months a committee elected by the local associators was to be formed in every county.⁵⁶

Before leaving the city of Williamsburg, merchants from across the colony met again at the Raleigh Tavern. They formed a committee to consider “the general state of the trade of this colony.” They named one hundred and twenty-five representatives for the various localities in Virginia. The merchants noted that the invitation to join the Association was a positive move by the Burgesses. That “invitation from the first associators to the commercial part of the country has been accepted, with a cheerfulness equal to the judgment and politeness with which it was offered.” The merchants declared their “attachment to the true interest of this colony equal to that of any set of men, and exceeded by none.” The committee noted that “The trade of this colony is considerable and extensive, and no doubt many regulations might be made for its advancement.” The problem was coordinating merchant action. “Dispersed as the merchants are, and remote from each other, their sentiments cannot be known easily, or, when known, carried into execution, for want of a proper channel.” This newly formed committee would serve as a vehicle for coordinating action. “That channel is now opened.” It provided representation in the “confidence begun between the landed and trading parts of the colony (whose real interest is the same) which, it is hoped, will

⁵⁶ Nonimportation Association of 1770, Van Schreeven, *Revolutionary Virginia*, 1:82-83.

be productive of advantage and honour to both.” The merchants expressed conviction in their new alliance with the gentry Burgesses. “Let this confidence be continued; let it increase; and let those illiberal distinctions which have too long prevailed among us be buried in oblivion.”⁵⁷

As the original signers returned to their home counties, Burgesses and merchants set about broadening the influence and impact of this Association. In Fairfax County, George Washington and George Mason coordinated the signing. On July 28, they sent seven copies out into the countryside. It was a concerted effort to gain support for the Association. Nearly half the eligible freeholders in Fairfax County signed the document, not a bad response for a rural county where gathering the populace always proved difficult. All but two of the county justices signed. Most vestrymen and most small landowners subscribed their names. Most significantly, in Alexandria half the subscribers were Scottish merchant factors.⁵⁸

In Caroline County three hundred forty-eight subscribed. One hundred forty-five signed at Norfolk. In Williamsburg, Purdie and Dixon published the names of local subscribers. Across the colony the associators represented a diverse lot: gentry,

⁵⁷ *The Virginia Historical Register* (Richmond: MacFarlane and Fergusson, 1848-1853), 3: 79-83.

⁵⁸ Donald Sweig, “The Virginia Nonimportation Association Broadside of 1770 and Fairfax County: A Study in Local Participation,” *Virginia Magazine of History and Biography*, 87 (July 1979): 316-325.

small planters, tradesmen, merchants, physicians, and lawyers. Widowed heads of household and business, like Mary Davis and Martha Jacquelin, subscribed their names. The business of electing county committees though, did not move forward with the same swiftness and enthusiasm.⁵⁹

In August, Peyton Randolph was forced to reissue his instructions, calling again on Burgesses to fulfill their responsibilities to the Association. Reports of individual subscribers continued to appear, but the selection of county committees was lethargic. Some felt it was merchants, not Burgesses, who slowed the Association's progress. Richard Henry Lee proposed amendments to the Association that would strengthen the gentry planter's position and control. He suggested that if local Association leaders did not call an election for a county committee, they should be replaced by someone more friendly to the Association. Lee also feared that merchants would attempt to dissolve the Association. Initiating a meeting of the colony wide Association required that twenty associators call for the assembly. Lee proposed that ten should be planters. He

⁵⁹ Mays, *Pendleton*, 1: 259; *Virginia Gazette*, ed. Rind, 26 July 1770, 2; *Virginia Gazette*, ed. Purdie and Dixon, 19 July 1770, 2; and M. Jacquelin to Mr. John Norton, London, 14 August 1769, *John Norton and Son*, 102-103. Purdie and Dixon's listing of associators in the Williamsburg area included silversmith James Geddy, jeweler and merchant James Craid, physician John Minson Galt, and tailor Severinus Durfey. *Virginia Gazette*, ed. Purdie and Dixon, 19 July 1770, 2; 26 July 1770, 2; and 16 August 1770, 3.

also proposed that of the one hundred associators needed to dissolve the Association, three quarters should be planters.⁶⁰

Slowly, reports of the committee elections arrived in Williamsburg. Despite the planter-merchant coalition extolled in Williamsburg, committees reflected the traditional leadership of counties. Most committeemen were justices or former magistrates. A few prominent merchants appeared on the committee lists, but none was a British factor or agent. Nor were the county committees particularly active. Only in a couple of instances does it appear that committees took an active part in regulating the trade.⁶¹

Norfolk was first. Captain Robert Spiers of the *Sharp* arrived off Norfolk in July, the hold of his ship full of European goods. Already Philadelphia merchants had refused permission to land Spiers's cargo. According to Spiers, his Philadelphia agent had consigned the goods to William and John Brown, Norfolk merchants. The Browns

⁶⁰ *Virginia Gazette*; ed. Rind, 23 August 1770, 3; Ragsdale, *Planter's Republic*, 98-102; Richard Henry Lee, "Proposed resolutions for association, 1770," Lee Family Papers.

⁶¹ Ragsdale, *Planter's Republic*, 98-102. Norfolk's committee was in place by July 19. *Virginia Gazette*, ed. Rind, 19 July 1770, 2-3. King George County elected a committee on August 2. *Virginia Gazette*, ed. Rind, 30 August 1770, 2. Nansemond's election occurred on August 13. *Virginia Gazette*, 6 September 1770, 2. In September King and Queen, Richmond, Fairfax, and Westmoreland counties elected committees. *Virginia Gazette*, ed. Rind, 20 September 1770, 3; 27 September 1770, 2; and 11 October 1770, 3. Between October and December another five counties reported: Culpeper, Elizabeth City, Spotsylvania, Amherst, and Caroline. *Virginia Gazette*, ed. Rind, 5 November 1770, 2; 13 December 1770, 2; and 17 January 1770.

refused the cargo though, and the Norfolk committee forbade its landing. Spiers set sail in search of another port. Norfolk associators published him in the *Virginia Gazette* warning other Virginia ports where he might attempt to land his cargo. To Norfolk's chagrin, when Spiers arrived in Dumfries the local committee inspected his ship. The goods were not there. Spiers had secretly unloaded his cargo in Norfolk.⁶²

In other instances, county committees examined orders and cargoes, but rarely prohibited or impeded merchant activity. The lackluster of the committees was, no doubt, due to the disappointing news that had begun arriving from the northern colonies over the summer and fall. Northern merchants were feeling strongly the effects of nonimportation. With the announcement of the Townshend Duties' partial repeal, merchants began challenging local associations. By the end of September, New York and Philadelphia merchants had ended their Association. A month later Boston merchants resumed trade, restricting only tea. Baltimore merchants resolved to import British goods in defiance of the Annapolis-based provincial Association. The effects were devastating. Without intercolonial coordinated action the association lost its potential economic impact and pressure on British merchants and government.⁶³

⁶² *Virginia Gazette*, ed. Rind, 19 July 1770, 2-3; 2 August 1770, 2; 23 August 1770, 3; and 6 September 1770, 2; Ragsdale, *Planter's Republic*, 98-102.

⁶³ Ragsdale, *Planter's Republic*, 98-102.

By November, twenty members of Virginia's Association called for reconsidering the nonimportation measures. Peyton Randolph scheduled a meeting for Friday, December 14 at the Capitol. Richard Henry Lee believed the call was a "North Briton scheme" to abolish the Association. Landon Carter believed that it was only merchants who had "impersonated associating" who called for an end to the agreement. It had given them the opportunity to collect planter debts. Now, infused with new capital, the merchants would destroy the Association and resume their merchandising and speculation. Association apathy was so prevalent that a quorum failed to appear in December. The poor showing suggested that principles of nonimportation were in a "very languid state." It appeared the Association would "die away and come to nought." And gentry felt certain that the fault lay with the merchants. "The Traitors are allmost to a man merchants," said Lightfoot Lee. Planters, though, also refused to take the lead. Virginia's gentry leadership, it seemed, was "all well inclin'd but indolent." Without a quorum, Randolph postponed the meeting until summer, but for all intents and purposes the Association was dead.⁶⁴

⁶⁴ *Virginia Gazette*, ed. Purdie and Dixon, 8 November 1770, 2; Richard Henry Lee to William Lee, 8 January 1771, *Letters of Richard Henry Lee*, 1:52-55; "An Associating Planter," *Virginia Gazette*, 13 December 1770; Carter, *Diary*, 1:529; William Nelson to Secretary of State, 19 December 1770, *The Correspondence of William Nelson as Acting Governor of Virginia 1770-1771*, ed. by John C. Van Horne (Charlottesville: University Press of Virginia, 1975), 99-100; Francis Lightfoot Lee to William Lee, 17 December 1770, Lee Papers, American Philosophical Society.

The Associations of 1769 and 1770 provided useful experiences for Virginians. Gentry leaders discovered that they no longer led the colony by personal force and persuasion. That the county leaders had agreed to nonimportation was not particularly significant to county constituents. The freeholders of the county were too diverse. They represented too many different interests. To accomplish their nonimportation objectives, Burgesses had to strike alliances. The planter-merchant alliance of 1770 was a unique event. Two factions of Virginia society, often seeing themselves with diverging purposes, came together in common cause. It was a tenuous relationship, one that in the end could not overcome mutual suspicions. For a short time, however, gentry and merchant worked together effectively to enlist the aid of county communities. Together they reached across Virginia society to unite people in nonimportation. Just the simple process of subscribing names to the Association of 1770 showed the power of the coalitions. Virginia's leadership would build subsequent coalitions with the lessons learned in 1770.

It was not just the death of the Association that closed the year 1770 on a dour note. In September, Governor Botetourt fell ill. He was dead a month later. Though he served a short tenure, Botetourt had ingratiated himself to the people of Virginia. Virginians expressed that love in a state funeral befitting the Governor's noble status. The Assembly voted funds to erect his statue at the Capitol. Despite the Stamp Act,

Townshend Duties, and other Parliamentary measures, Virginians felt a strong bond to their governor and the royal authority he represented.

CHAPTER IX

“EQUALLY WITH THE LOWEST AND MEANEST.”

Gentry and merchants had attempted a coalition in support of Association in 1770, but this was only one of the potential alliances. In the years from 1770 to 1775, gentlemen continued forging new relationships. As the imperial crisis deepened, conditions dictated that Virginia's patriot leaders create a convincing and compelling cause for their constituents. This time gentry linked with common folk against the commercial traders that patriots feared might impede Virginia's protest. It was spiritual matters though, not economic, that set the tone in the first year of the new decade.

At the same time Charles Townshend undertook his campaign to reorder the empire and tax American colonies, Anglican missionaries in America renewed their efforts to procure an American bishop. The case for an American bishop was a long standing controversy. For a decade beginning in the mid 1760s it burned hottest in New England where dissenting sects had the greatest influence and longest tenure. From the Stamp Act through the Townshend Duties controversy, dissenting American sects associated efforts to establish ecclesiastical rule in the colonies with other imperial efforts to “destroy” American liberties. In Virginia, where law established the Anglican church, Virginians monitored the controversy as it unfolded in the pages of

New England newspapers. Not until the spring of 1771, however, when a Virginia cleric stirred local sentiments and fears, did the Virginia debate over the American episcopacy become urgent.¹

Purdie and Dixon's April 4, 1771, *Virginia Gazette* printed an announcement for the annual meeting of subscribers to the Fund for the Relief of Widows and Orphans of the Clergy. It called the subscribers to meet on May 4. Appended to this notice was a request from Reverend James Horrocks, commissary of the Bishop of London, hoping attendance "may be as full as possible." The dozen or so clergy who attended learned the nature of Horrocks' business. He solicited a petition, instigated by Anglicans in New York, for the creation of an American bishop.²

The clergy attending considered this matter too important for such a small gathering. They encouraged Horrocks to call a second meeting openly declaring the purpose, and on May 9 the notice appeared in the *Gazette*. Noting that his invitation "was not taken in the Sense I designed it should have been," Horrocks repeated his

¹ Carl Bridenbaugh, *Mitre and Sceptre: Transatlantic Faiths, Ideas, Personalities, and Politics 1689-1775* (New York: Oxford University Press, 1962), 230-288, contains the most complete discussion of the episcopacy controversy in America.

² Thomas Gwatkin, *A Letter to the Clergy of New York and New Jersey Occasioned by an Address to the Episcopalians in Virginia* (Williamsburg: Alexander Purdie and John Dixon, 1772), 4; *Virginia Gazette*, ed. Purdie and Dixon, 4 April 1771. Isaac, *Transformation*, 181-222, gives the most complete account of the episcopacy controversy.

“Solicitation.” Calling for a June 4 meeting of the clergy, Horrocks informed them the agenda was “of the highest Importance, namely, the Expediency of an Application to proper Authority for an American Episcopate.”³

The delay and special announcement did not improve attendance. Again on June 4 only twelve clergy attended, but poor attendance did not prevent a stormy session, so disparate were views and attitudes concerning an American Episcopate. A strong opposition coalesced among four of the clergy who attended: Samuel Henley, Thomas Gwatkin, Richard Hewitt, and William Bland. They warned of civil violence and rebellion. Certainly, Virginia clergy should not actively encourage establishment of a bishop without first consulting the General Assembly. The Reverend John Camm countered that the disordered state of the Anglican Church and increases in dissenting religion’s congregations demanded strong measures. The church required strong leadership and discipline. This heated meeting continued during subsequent months in the pages of the *Virginia Gazette*. It was a “War . . . with much violence, & personal abuse.”⁴

³ *Virginia Gazette*, ed. Purdie and Dixon, 9 May 1771, 3. See Bridenbaugh, *Mitre and Sceptre*, 314-323 and Isaac, *Transformation*, 181-205 for accounts of the episcopacy controversy in Virginia.

⁴ Gwatkin, *Letter*, 4-5; Richard Bland to Thomas Adams, August 1, 1771, *William and Mary Quarterly*, 1st ser., 5(1896-1897), 153; *Virginia Gazette*, ed. Purdie and Dixon, 6 June 1771; *Virginia Gazette*, ed. Rind, 6 June 1771.

At the end of June, Horrocks, “with his Lady, took Shipping for England” ostensibly “for the Recovery of their Healths.” There was little doubt, however, of Horrocks’ true mission. Even without a consensus from Virginia’s clergy he would lobby for creating an American bishopric. Virginians also speculated that he, no doubt, expected “to be the First Right Reverend Father of the American Church.” The thought that Horrocks might fill the position did not help the cause for an American bishop. “He made a tolerable Pedagogue in the Grammar School,” but his subsequent career was unfortunate. “Removed from the only Place he had abilities to Fill,” Horrocks became President of the College, Rector of Bruton Parish, the Bishop of London’s Commissary, and a member of the Governor’s Council. “Was his Sincerity & abilities equal to his good Fortune, he would be one of the most accomplished Men amongst us,” remarked the *Virginia Gazette*. Unsatisfied with his accomplishments, Horrocks was “attempting to Soar Higher, by setting all America in a Flame.”⁵

The flames that threatened to erupt were significant. The arrival of the 1770s coincided with a dramatic increase in activity among Virginia’s dissenting religious sects. In May 1771, four to five thousand men ~~and~~ women attended the first meeting of the Virginia Separate Baptist Association in Orange County. Baptists rejected the Virginia government’s attempt at regulating their activities. The Toleration Act

⁵ *Virginia Gazette*, ed. Purdie and Dixon, 20 June 1771; Bland to Adams, 1 August 1771.

required that dissenting ministers apply for a license to preach, a regulation Baptist itinerants refused to accept. In June 1771, John Young appeared before the Caroline County magistrates charged with preaching the gospel without “Episcopal Ordination or being licensed as a dissenting preacher.” The magistrates remanded him to jail until he paid a fifty pound fine and raised two twenty-five pound securities against his good behavior. Apparently, Young’s friends could have raised the fines and securities, but the preacher preferred martyrdom. Young remained in jail. The following month a preacher and three laymen pleaded guilty to unlicensed preaching. The Caroline Court demanded twenty pound securities for each of them. These men, too, refused to acknowledge the court and joined Young in jail. In August, Lewis Craig, still another itinerant Baptist minister, pleaded guilty to preaching and the Caroline magistrates remanded him to the jail. By the end of August 1771, the Caroline County’s jail housed six preachers. While imprisoned, the ministers further defied the gentry magistrates by preaching through the bars to congregations gathered outside the jail.⁶

For many gentry, though not agreeing with the “enthusiastic” nature of dissenting religions, the problem was not spiritual, but temporal. Unlicensed preaching challenged civil authority. What gentlemen sought to maintain was their control. Dissenters challenged that control. To make it worse, men like Horrocks agitated for a Church of England controlled bishop in America that also threatened gentry control of

⁶ Isaac, *Transformation*, 199-201; Mays, *Pendleton*, 1: 263-265.

provincial affairs. For gentry the spiritual turmoil mirrored the temporal turmoil. British outsiders threatened gentry authority in Virginia at precisely the same time that social outsiders (like the mechanics of Norfolk and dissenters in Caroline) pushed their claims forward. Writing “An Address to the Anabaptists imprisoned in Caroline County,” one eminent Virginia lawyer attempted to explain the need for civil obedience. While he was “among the few Lawyers in the Country who think you are entitled to all the Benefit” of the Act of Toleration, he reminded them there are “Limits, to which Dissenters must conform.” He explained that they must submit to the licensing of ministers and houses of worship. If provisions were unfair or inadequate, “you must apply again to the General Court; if you think they are not liberal enough, you must represent it to the Legislature,” but they must proceed through proper civil government.⁷

Dissenters did not submit to civil authority, however, and in some cases their opponents attacked them with vengeance. An Anglican, the Reverend Andrew Moreton of Drysdale Parish in Caroline County, attacked a dissenting preacher in the spring of 1771. Moreton, the sheriff, and the parish clerk accosted Baptist minister Jack Waller. As Waller “gave out the hymn” to his congregation, Moreton threatened him with a switch. When the threat did not work, Moreton stuffed the switch, leaves and all, into

⁷ “An Address to the Anabaptists imprisoned in Caroline County, August 8, 1771,” *Virginia Gazette*, ed. Purdie and Dixon, 20 February 1772, 1-2. Mays, *Pendleton*, 1: 265 believes this piece was authored by Attorney General John Randolph.

Waller's mouth. Still the dissenter was not silenced. It was then that the clerk "pulled him down," and the three aggressors whipped Waller so severely "that the scars will continue while he lives." When Moreton and his accomplices left, though, Waller stood up and started his preaching anew. The persistence of these dissenters was alarming, and the reason that some, like the Reverend James Horrocks, hoped for an Anglican bishop in America to arrest Virginia's move toward "republicanism and puritanism." This purpose alone was "sufficient reason for the King's sending a Bishop amongst us, who I hope would, in some measure, contribute to check a spirit so adverse to our present happy form of government."⁸

But opponents of the episcopacy expressed concern. Faced with an increase in perceived arbitrary measures forced on them by the British ministry, Virginia patriots viewed a potential bishop with skepticism. The political tyranny felt by many would be supplemented by a "mighty Torrent of spiritual Tyranny." It was, of course, more than spiritual tyranny against dissenters that Virginians feared. The Anglican Church had always been a local concern in Virginia. Vestries composed of the local leadership governed the church in response to local issues and concerns. An American Bishop

⁸ Mays, *Pendleton*, 1: 263; Isaac, *Transformation*, 186-194; John Williams Journal, May 12-14, 177, Virginia Baptist Historical Society, University of Richmond; "A Country Man," *Virginia Gazette*, ed. Rind, 5 September 1771.

threatened to meddle in those local affairs and establish an authority and control beyond local vestry and Virginia governance.⁹

When the House of Burgesses convened in July, they offered a resolution of thanks for Henley, Gwatkin, Hewitt, and Bland and their “wise and well timed Opposition . . . to the pernicious Project of a few mistaken Clergymen.” An American bishop would cause “much Disturbance, great Anxiety, and Apprehension . . . among his Majesty’s faithful American Subjects.” The controversy continued raging in the press, but no appointment for an American bishop arrived. Finally, in March 1772, Purdie and Dixon announced they would no longer publish pieces on the matter. Readers complained they were “tired of the Dispute.”¹⁰

There was no American bishop appointed, but Virginia’s new Governor did arrive in September 1771. He was John Murray, Fourth Earl of Dunmore. Dunmore was not the courtier like Botetourt. He was a military man and a Scot. Virginians respected him well enough, but he never gained the status of his predecessor. James Parker, a Norfolk merchant born in Scotland, observed that Dunmore “is as popular as a Scotsman can be amongst weak prejudiced people.” His tentative acceptance by Virginians is understandable given the Governor’s predilection toward Americans. In

⁹ Isaac, *Transformation*, 186-188; “A Country Clergyman,” *Virginia Gazette*, ed. Rind, 18 July 1771.

¹⁰ *Journal of the House of Burgesses of Virginia 1770-1772*, 122; *Virginia Gazette*, ed. Purdie and Dixon, 12 March 1772.

the House of Lords, Dunmore advocated leaving the American colonies alone. It was Parliamentary interference that kept the colonies in turmoil. He also proved a friend to western expansion. But in the climate of imperial relations, Dunmore did not prove equal to the delicate task. Great Britain and Virginia required a governor who could maintain quiet, steady relations. That was not to be Lord Dunmore's legacy.¹¹

Not long after Dunmore's arrival, Virginia plunged into economic crisis. British imports to the Chesapeake rose to a high of £1,224,000 in 1771. The following year was no less significant at £1,015,000 of imported goods. Virginia merchants and factors received the majority of these cargoes on credit. The huge volume created a glut. Shopkeepers could not move the goods on their shelves. Creditors could not collect their debts. The overabundance of goods coincided with falling tobacco prices on the European market and a bumper crop in Virginia fields pushed tobacco prices even lower. As tobacco profits lagged, planters of every rank sought ways to extend their credit. Large planters covered debts with bonds and mortgages. Smaller planters had fewer resources at their disposal.

Merchants in Virginia were obligated to pay for their cargoes within twelve months or pay interest on the debt. They in turn looked to their debtors and attempted to collect. Small farmers struggled to pay these debts on the reduced income from their

¹¹ Selby, *Revolution in Virginia*, 14-20; James Parker to Charles Steuart, 27 January 1775, Steuart Papers.

tobacco crops. Virginia merchants and factors refused credit extensions and dropped the prices they paid small planters for tobacco. At the start of 1772, twenty shillings per hundred weight was the going price. By August it dropped to eighteen shillings and in 1773 the price dropped to twelve shillings six pence per hundred weight. As the price dropped, small planters became angry and wished out loud for ways to “frustrate the ingenious Designs of the merchants” whom they now believed conspired against them.¹²

Forgeries of Virginia currency circulating in the colony further complicated the economic crisis. Though Virginia’s wartime currency issues were schedule for redemption by the fall of 1769, some notes continued circulating after that date. Treasurer Robert Carter Nicholas still collected debts due the Robinson estate and did not have resources sufficient to reclaim all the outstanding notes on the established schedule. He did not press for their redemption. The General Assembly was not concerned enough about the delay to raise new taxes and insure the redemption. Because of the scarcity of specie, merchants continued accepting the expired notes as legal tender. The House of Burgesses even made new issues. The Currency Act of 1764 sought to regulate colonial paper money issues and protect British merchants

¹² Price, “New Time Series,” 325; Price *Capitol and Credit*, 124-139, Ragsdale, *Planter’s Republic*, 168-172; Sheridan, “British Credit Crisis,” 161-186; “A Planter to the Tobacco Planters of Virginia,” *Virginia Gazette*, eds. Purdie and Dixon, 12 October 1773; “A Planter in Caroline to the Planter in Louisa County,” *Virginia Gazette*, eds. Purdie and Dixon, 4 November 1773.

against currency value fluctuations. The act did not restrict the amount of currency in circulation, or prohibit issuance of paper to cover provincial government expenditures. In 1769 Burgesses issued an additional £10,000, a portion of which funded a survey of the boundary between Virginia and the Cherokee nation. Severe spring flooding, on the James York and Rappahannock rivers in 1771, destroyed public warehouses and thousands of hogsheads of tobacco. Responding to merchant calls for relief burgesses printed £30,000 of currency. By the end of 1771, approximately £105,000 in unredeemed treasury notes circulated in the Virginia economy.¹³

In 1772, Virginians discovered “ingenious and therefore the more dangerous Forgeries of . . . Five Pound” Virginia notes circulating in the economy. The volume was so significant and the forgery so expert it strangled commerce. Virginians hesitated to accept currency for transactions. Treasurer Robert Carter Nicholas worked tirelessly to bolster confidence in the economy and the currency. Apparently, lesser planters were hit particularly hard, and not just by the forgery. Unscrupulous speculators bought up Virginia notes of every issue and denomination (counterfeit or not) at drastically discounted prices. Small planters sold their notes readily at these low rates. Many, apparently, felt it better to sell their paper for too little than run the risk of getting nothing at all for a counterfeit note. Confidence in Virginia currency was so low that Nicholas published detailed instructions for identifying the forgeries. He also

¹³ Ernst, *Money and Politics*, 85-86; 232-233; 240-241; 301-302 and 370.

recommended that smaller planters and others take their money to “the House of some judicious Gentleman in their Neighborhood, or at the principal Towns where the Merchants chiefly reside.” He was convinced that these gentlemen held “every good Disposition to assist the People in all Parts with their best Opinions and Advice.”¹⁴

The first break in the forgery case occurred when John Short, an under sheriff for Pittsylvania County, arrived in Williamsburg and confessed he was responsible for passing some of the counterfeit notes. More, Short was willing to give over the conspirators. He told a story of the Cooke family of Pittsylvania County and a complicated operation involving both printing notes and striking counterfeit coin. Short revealed an extensive network of men, like himself, helping to distribute the fake currency.¹⁵

Lord Dunmore called his council to meet on Saturday, February 6 and deal with the crisis. They dispatched Captain John Lightfoot to Pittsylvania County. Within three weeks Lightfoot was back in Williamsburg with five culprits “under a strong Guard.” They were John Cooke, Joseph Cooke, James Cooke, Benjamin Woodward,

¹⁴ *Virginia Gazette*, ed. Purdie and Dixon, 28 January 1773; 4 February 1773; and 11 February 1773; *Journal of the House of Burgesses of Virginia, 1773-1776*, ed. John Pendleton Kennedy (Richmond: 1906), 15, 26 and 27; and Robert Carter Nicholas to Messrs. John Norton & Son, 12 February 1773 and Robert Carter Nicholas to Messrs. John Norton & Son, 17 March 1773, *John Norton and Sons*, 301-303 and 305-308.

¹⁵ *Virginia Gazette*, ed. Purdie and Dixon, 4 February 1773 and 25 February 1773; and Schreeven, *Revolutionary Virginia*, 2: 3-6.

and Peter Medley. Along with his prisoners Lightfoot hauled in copious evidence: counterfeit notes and coins, engraving tools, a “Rolling Press,” dies, and “a Plate for the Forty Shilling Bills.” On their arrival the prisoners were “immediately carried to the Palace.” Speaker Peyton Randolph, probably in his role as one of the city’s magistrates, examined the accused in the presence of Dunmore, Attorney General John Randolph, and “other Gentlemen.” Based on that interview, Randolph “thought proper to order them . . . committed to the publick Jail.” He released Peter Medley for lack of evidence. There were others taken up in various counties in Virginia on charges of counterfeiting or passing counterfeit notes. Benjamin Cooke was taken up and transported to Williamsburg, as was Moses Terry, captured in Halifax for attempting to pass counterfeit notes. Various conspirators found themselves taken up by local county sheriffs. Gideon Riteker and Shem Cooke of Pittsylvania and John Hightower and William Hightower of Lunenburg were arrested but managed to escape. All four of these men became the subject of a proclamation, issued by Dunmore, declaring them outlaws and offered fifty pounds sterling reward for their capture. By the end of March some fifteen or sixteen conspirators stood accused of the counterfeiting plot, but it was the initial group brought to Williamsburg that aroused the most interest.¹⁶

¹⁶ *Virginia Gazette*, ed. Purdie and Dixon, 4 February 1773 and 25 February 1773; *Virginia Gazette*, ed. Rind, 23 February 1773 and 4 March 1773; Mapp, *Virginia Experiment*, 343-344.

While Virginians expressed relief as culprits came under the Colony's justice, many also expressed concerns for the way in which defendants were treated. John Cooke, Joseph Cooke, James Cooke, and Benjamin Woodward (the conspirators arrested by Lightfoot) did not receive a hearing before their local magistrate or the Pittsylvania County Court. Brought across the Colony, examined by "local" magistrate Peyton Randolph, they were bound over for a hearing before the York County Court. York County Justices heard their case on March 2 "before a full court and numerous audience." It was no surprise that "it was the unanimous opinion of the Justices that they were guilty of the forgeries with which they stood charged; in consequence of which they were remanded to the great gaol to take their trial next April before the Honourable the General Court." On April 15, the General Court considered "a Habeas Corpus," but determined that "the Proceedings were legal, and the Attorney General will exhibit Bills against them this Court."¹⁷

Americans railed against writs of assistance and Parliament's threat to transport American colonists to London for trials of treason. Coincident with the counterfeiting case, Virginians followed one of these incidents as it unfolded in New England. In June 1772 a party of Rhode Islanders attacked and burned the customs Schooner *Gaspee* when she ran aground in pursuit of another vessel. A royal proclamation offered a

¹⁷ *Virginia Gazette*, ed. Rind, 4 March 1773, 3; and *Virginia Gazette*, ed. Purdie and Dixon, 4 March 1773, 2; and 15 April 1773.

£500 reward for identification of the culprits. Suspects though, would not receive a trial before their peers. The government intended to transport them to England for trial. For some, Dunmore's handling of the counterfeiters resembled this imperial threat.

The Burgesses, who convened in Williamsburg, addressed Dunmore on March 18. While expressing "our sincere thanks for . . . endeavouring to bring the forgers of our paper currency to justice," they wondered about the "particular nature" of his actions. The arrests and examinations for the counterfeiters had occurred in a manner "different from the usual mode." They reminded the Governor that usually, criminals were examined "either in the county where the act was committed, or the arrest made." Burgesses felt that "The duty we owe our constituents" obliged them "to be as attentive to the safety of the innocent, as we are desirous of punishing the guilty." Further, they admonished Lord Dunmore that "various execution of criminal laws does greatly endanger the safety of innocent men" and hoped "that the proceedings in this case may not, in future, be drawn into consequence or example."¹⁸

Dunmore's response was terse. "As I have always made the laws of the country the rule of my conduct," Dunmore "little imagined, when I was endeavoring to punish the guilty, that my conduct could, by any means, be thought to endanger the safety of the innocent." He also declared his right to interpret procedures "doubtful in their

¹⁸ *Virginia Gazette*, ed. Rind, 18 March 1773.

construction” and asserted, “I shall continue to exercise the powers I am invested with whensoever the exigencies of government, and the good of the country, require such exertion.” The Burgesses did not press this issue, but an editorial did appear in Rind’s edition of the *Gazette*. “Timoleon” reminded Dunmore and Virginians that it was the “nature of men, especially of men in authority, . . . rather to commit two errors than to retract one.” It was a veiled warning that rights conceded to “men in authority” were not easily regained.¹⁹

The counterfeit case was yet another example of the conflicted atmosphere of Virginia’s society and politics. Virginia’s gentlemen leaders resisted the British measures that might reduce provincial authority in government and religion. They resisted imperial moves limiting provincial legislatures and proposing an American Bishopric. At the same time they faced internal criticism and challenges. Lesser Virginians criticized gentry as self-serving leaders who too often subverted the needs and desires of the people. Dissenters disputed the gentlemen’s authority to regulate. Now counterfeiters usurped the colony’s right to regulate legal tender and threatened Virginia’s economic stability. Strong executive action to relieve the distress, though, only fed critics who questioned the exercise of arbitrary authority and compared it to the arbitrary acts of London’s Ministry and Parliament. As these tensions continued

¹⁹ *Virginia Gazette*, ed. Rind, 18 March 1773, 2; 6 May, 1773, 1. Mapp, *Virginia Experiment*, 343-344.

unabated, Virginian's struggled to assemble an understanding of the world around them.

The March 1773 session of the House also approved a resolution establishing a Virginia Committee of Correspondence. Burgesses established the committee to obtain "early and authentic intelligence" of the "British Parliament or proceedings of administration" that might affect the American colonies. The committee was responsible for maintaining "a correspondence and communication with our sister colonies respecting these important considerations." Massachusetts had established local committees, but Virginia led the inter-colonial initiative. Richard Henry Lee was most likely the architect of the initiative. It was another step towards colonial coordination and cooperation. Membership of the committee bridged political factions and fostered internal cooperation. Peyton Randolph served as chair and his moderate and conciliatory stand on imperial issues received support from members Edmund Pendleton and Archibald Cary. Three younger Burgesses represented the more aggressive and impatient patriots: Thomas Jefferson, Patrick Henry and Dabney Carr. Frustrated by the Burgesses' rebuke for his handling of the counterfeiter's ring and now by establishment of a Committee of Correspondence, Dunmore prorogued the session after only eleven days. Relations between Burgesses and the Governor were strained.²⁰

²⁰ Beeman, *Patrick Henry*, 49-50; *Journal of the House of Burgesses of Virginia 1773-1776*, 28; Mapp, *Virginia Experience*, 344-345; and Mays, *Pendleton*, 268.

In April, news arrived that Parliament had passed the Tea Act. Parliament reformed the tea trade in an effort to salvage the floundering East India Tea Company. Before the Tea Act of 1773 the East India Company imported tea to England where merchants purchased it at auction and resold it to the colonial market. By granting the company rights to market tea directly in the Colonies, the East India Company established direct agents in Boston, New York, Philadelphia and Charleston. The result was cheaper tea for Americans, cheaper than smuggled Dutch tea. But in reforming the trade, Lord North refused any attempt at removing the last remaining Townshend duty, the duty on tea. Americans rankled at the government established monopoly that seemed to encourage increased sales and the collection of duties.²¹

It was in December 1773, that Virginians received news of the Boston Tea Party. Generally, Virginians disapproved of this destruction of private property and feared potential retaliation by the British ministry. But primarily, Virginians were preoccupied with news from the West. Dunmore was intensely interested in the expansion of Virginia. On this issue Dunmore was truly a Virginian and an investor in Ohio river land companies. Dunmore had encouraged Virginia settlers and speculators in their land claims, even issuing land grants in violation of his Royal instructions. During 1773, the Governor toured the Fort Pitt area and while there, ingratiated

²¹ Benjamin Woods Labaree, *The Boston Tea Party* (New York: Oxford University Press, 1964), 58-79.

himself to the settlers intimating that he would issue land patents to both Virginia and Pennsylvania veterans of the French and Indian War. Not long after his departure, settlers met at Fort Redstone and signed a petition. They complained about the treatment they received from Pennsylvania's government and appealed to Dunmore for assistance. In response, he established the district of West Augusta and named a local adventurer, John Connolly, and several of Connolly's associates as magistrates. Their positions as Virginia magistrates conflicted with a rival group of Pennsylvania-named magistrates, but Connolly was definitely the more aggressive leader. Emboldened with the support of Virginia's Governor, Connolly assembled a militia and seized Fort Pitt, renaming it Fort Dunmore.²²

In April 1774, a small band of Cherokee raided a Pennsylvania trader's canoe. Connolly responded with an inflammatory proclamation warning settlers of a Shawnee uprising. The proclamation became an excuse to attack Indians in the Ohio valley. The worst incident occurred when a hunter, Daniel Greathouse, lured a small band of Mingo across the River at Yellow Creek. After plying them with liquor he and his conspirators massacred the Indians: men, women and children. Outraged, Shawnee and Delaware retaliated. The violence created a panic on the frontier that sent white settlers

²² Jack M. Sosin, *The Revolutionary Frontier 1763-1783* (New York: Holt, Rinehart and Winston, 1967), 57-60; Turk McCleskey "Across the First Divide: Frontiers of Settlement and Culture in Augusta County, Virginia 1738-1770" (Ph.D. diss., College of William and Mary, 1990), 320-321; and Selby, *Revolution in Virginia*, 16-17.

to forts and scrambling back to safety east of the Alleghenies. Connolly requested Dunmore's assistance. Reports from the frontier were alarming. One observer reported that "in a single day, over a thousand persons shuttled across the Monongahela river on three ferries less than a mile apart" as settlers deserted the frontier. The *Virginia Gazette* claimed that 1,500 families had fled, leaving their crops, livestock and household furniture.²³

Dunmore called a meeting of the General Assembly for May 1774, primarily hoping they might fund troops for a campaign in the Ohio. Burgesses refused, but the Governor was undeterred. He resolved to march on the Shawnee with Virginia's western militia. It was during this session, however, that Virginians received word of the Boston Port Bill, closing the port of Boston in punishment for the Boston Tea Party, yet another example of Parliament's arbitrary power. But Virginia's aversion to Boston's radical destruction of property did not permit a strong response. On the night of May 23, several gentlemen – Patrick Henry, Richard Henry Lee, Francis Lightfoot Lee, Thomas Jefferson, and George Mason – met privately in the Council chamber and developed a plan for protest. The following day, Robert Carter Nicholas introduced a

²³ Sosin, *Revolutionary Frontier*, 85-86; McCleskey, "Across the First Divide," 321-322; Valentine Crawford to George Washington, 7 May 1774, in Butterfield, ed., *Washington-Crawford Letters*, 87; *Virginia Gazette*, ed. Rind, 7 July 1774, 3; Daniel Smith to William Preston, 22 March 1774, and William Russell to William Preston, 7 May 1774, Draper Manuscript Collection, State Historical Society of Wisconsin, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm M-125.

resolution in the House for a day of Fasting, Humiliation and Prayer. Burgesses adopted it unanimously. Two days later, frustrated at the Burgesses' lack of support for his western policy and their sympathy for Boston's malcontents, Dunmore dissolved the Assembly.²⁴

Dissolution of the Assembly was no longer even an inconvenience for legislators. They simply moved their session down the street and into the Raleigh Tavern's Apollo Room again. They adopted a limited association deeming it "highly proper" and recommending "strongly" that "our countrymen, not . . . purchase or use any kind of East India commodity whatsoever, except saltpeter and spices until the grievances of America are redressed." Though a weak measure, it, like the Day of Fasting, Humiliation, and Prayer, was a position that all the Burgesses could support and it passed unanimously. Several days later, on May 28, the Committee of Correspondence drafted a resolution approving a New York scheme for a General Congress. Two days later the Committee of Correspondence called for an August convention to meet in Williamsburg and select delegates to the Congress. It seemed that Virginia's gentry leadership was unifying around the more radical patriots like Patrick Henry. More important, unity within Virginia inspired others. Lord Dartmouth thought "there was reason to hope, from appearances in other colonies, that

²⁴Mapp, *Virginia Experiment*, 246-249; Beeman, *Patrick Henry*, 51-52; George Mason to Martin Cockburn, 26 May 1774, *Papers of George Mason*, 1: 190-191; *Journal of the House of Burgesses of Virginia 1773-1776*, 132.

the extravagant proportion of the people of Boston would have been everywhere disregarded” until “the extraordinary conduct” of Virginia’s Burgesses. Virginia’s protest had now become “an example to the other colonies.”²⁵

Events of spring and summer 1774 alarmed Virginians. News from London carried a succession of Parliamentary actions. Commons passed the *Boston Port Bill* in March. In May the *Administration of Justice Act* protected crown officials in Massachusetts from hostile provincial courts. On the governor and council’s discretion, crown officials indicted for capital offenses committed while putting down a riot or collecting revenue could receive their trial in Britain. At the same time, the *Massachusetts Government Act* all but annulled the Massachusetts charter. The King now appointed councilmen that previously the House of Representatives elected. The governor received authority to appoint – and remove – the attorney general, inferior judges, sheriffs, and justices of the peace. The governor nominated and the king appointed the chief justice and superior judges. The sheriff summoned juries where formerly townspeople elected them and, most alarming, town meetings required the governor’s permission. In addition to these “Coercive Acts,” Parliament passed the *Quebec Act* in May 1774 establishing permanent civil government for Canada with toleration and civil rights for Catholics. Most objectionable was the extension of

²⁵ Beeman, *Patrick Henry*, 52-54; “Association of former Burgesses . . . 27 May 1774,” Van Schreeven, *Revolutionary Virginia*, 1:96-98; Lord Dartmouth to Lord Dunmore, 6 July 1774, PRO CO 5/133.

Canada's border to the Ohio River where Virginia, Connecticut and Massachusetts all had claims. Then in June, Parliament passed the *Quartering Act* and legalized the billeting of troops in taverns, deserted buildings and homes in all the colonies. It seemed that Parliament had overreacted and run amuck with their "Intolerable Acts," threatening the very fabric of American liberties.²⁶

Virginia's leaders stepped closer to resistance and protest but common folk were still very much undecided in the early summer of 1774. Nicholas Cresswell, an English immigrant just arrived in the Potomac River at the end of May, heard "Nothing talked of but the Blockade of Boston Harbour." And all the talk he heard indicated Virginians were "determined to dispute the matter with the Sword." Philip Vickers Fithian, though, did not find the people of Westmoreland County as resolute. "The lower Class of People here are in a tumult on the account of Reports from Boston, many of them expect to be press'd & compell'd to go and fight the Britains!" James Parker reported that "the honest 6 hhb [hogshead] planters" were undecided. The problem of unifying the people still remained.²⁷

²⁶ Labaree, *The Boston Tea Party*, 170-193.

²⁷ Nicholas Cresswell, *The Journal of Nicholas Cresswell 1774-1777* (Port Washington, New York: Kennikat Press, 1968), 19; Fithian, *Journal and Letters*, 111, Kevin Kelly, "White Loyalists of Williamsburg," *The Colonial Williamsburg Interpreter* 17 (Summer 1996): 1-2; Michael A. McDonnell, "'Loaded Guns and Imprudent Expressions': Military Culture and Gentry-Smallholder Relations in Virginia During the Revolutionary Crisis. 1774-1783" (Paper presented to the Southern Historical Association, 1994), 6. James Parker to Charles Steuart, 17 June 1774 and 26

On June 1, the day Boston's port closed, Virginians met in parish churches across the colony. Generally, the services ended with the acclamation, "God save the King." On the northern neck, Landon Carter's minister ended his service with the exclamation "God preserve all the just rights and liberties of America." Just across the Potomac the Reverend Boucher was determined to preach an anti-Whig sermon that day. He arrived at the church to find two hundred armed men in his church. Seeing "but one way to save my life," he seized the patriot leader by the collar and held a cocked pistol against the man's head. Calmly, Boucher assured "him that if any violence was offered to me I would instantly blow his brains out." With a firm hold on the patriot leader, Boucher moved through the crowd to his horse and departed. This kind of violence and counter-violence would become more frequent over the next several months.²⁸

As the summer of 1774 arrived, the atmosphere in Virginia was tense. Dunmore's West Augusta District was at war with the Shawnee. Gentry planters and Burgesses rallied around the constitutional issues and the perceived abuses of Parliament. The freeholders' debate on whether to follow gentry planters was still volatile. Merchants, in particular, questioned gentry planters' motives in face of new association talk. Also, the Burgesses had failed to pass a new "Fee Bill" establishing

September 1774, Steuart Papers MS 5028.

²⁸ Carter, *Diary*, 2: 817-818; Boucher *Reminiscences*, 119-123.

the fees applicable for the operation of the courts. Failure to renew the Fee Bill was even contentious among patriot leaders.

Because Dunmore prorogued the Assembly several times the Fee Bill had expired on April 12, 1774. It appears that the lapse was generally unnoticed until Benjamin Waller, clerk of the General Court, requested their direction concerning the disposition of fees. The General Court responded with an order on May 4 decreeing the continuance of fees established by the expired act for the General Court and the Secretary's Office. They were confident burgesses would reenact the legislation at their upcoming meeting. The General Assembly convened the following day and Richard Henry Lee, chairman of the Committee for the Courts of Justice, undertook the usual task of nominating laws for revival and continuance. Lee's committee produced a list of those bills on May 10. They did not propose renewal of the Fee Bill and the reason for that omission is unclear. Whatever Lee's reasoning, the House of Burgesses overruled the committee and directed them to bring in a Fee Bill for the Assembly's consideration. Unfortunately, before the bill could make it out of committee, Lord Dunmore dissolved the House.²⁹

The Burgesses who met at the Raleigh Tavern on May 27 and designed protest measures, considered a shut down of the courts. Closing the courts prevented the

²⁹ Frank L. Dewey, *Thomas Jefferson Lawyer* (Charlottesville: University Press of Virginia, 1986), 94-106.

prosecution of debt. Ten years before, during the Stamp Act crisis, suspension of the courts successfully increased pressure on merchants. Unable to collect their debts, London merchants had successfully lobbied Parliament for the repeal of the Stamp Act. A similar method seemed again appropriate to some burgesses, given the dangerous state of affairs in 1774. In the ensuing debate George Mason, Patrick Henry, Richard Henry Lee and Robert Carter Nicholas favored the court closure. Moderates, Carter Braxton, Edmund Pendleton, Thomas Nelson and Peyton Randolph, argued to keep courts in operation. They reached no final decision and deferred to the Convention called for August.³⁰

Several county courts (Caroline, Lunenburg, Essex, Prince Edward, Chesterfield, Augusta, Lancaster, Halifax, Cumberland and Surry) did not wait for instructions. By June these courts had either closed, or refused to act on pending civil litigation. The August Convention determined that no county court would conduct business until the next meeting of the House of Burgesses established a Fee Bill. In reality, however, the Convention's action never fully closed the courts. After August, most courts remained open for criminal cases and other business and refused only to prosecute civil litigation. The Fee Bill was an excuse and the significance for merchants was simple. Without courts, merchants could not collect debts. Some merchants openly discussed contingency plans. With the courts closed, "they think it

³⁰ *Ibid.*

prudent and necessary not to sell any thing but for ready money, or the ready produce of the country.” Since “there is not one person in a hundred who pays the ready money” it would not be long before customers would “feel the ill effects.”³¹

While Governor Dunmore pressed his interests in the West, gentry leadership worked to consolidate their constituents into an effective coalition, demonstrating their willingness to use both persuasion and coercion to accomplish that end. In mid June Richmond County leaders hanged and burned an effigy of Lord North “in the midst of a vast concourse of people.” Interestingly, few of the spectators expressed “any outward signs of approbation” though “a few gentlemen . . . seemed to enjoy an ill-natured satisfaction at it, which they expressed by a loud huzza, and plenty of d---s.” The Westmoreland County King’s Attorney, Mr. Parker, “harangued the people, acquainting them of the efforts parliament had made to abridge them of their liberties.” It was a scene repeated over and over again in Virginia counties as freeholders met to hear their leaders and elect delegates to the First Virginia Convention.³²

³¹ *Ibid.* David Wardrobe to “his friend in Glasgow,” 30 June 1774, Peter Force, comp., *American Archives: Consisting of a Collection of Authentick Records, State Papers, Debates, and Letters and Other Notices of Publick Affairs, the Whole Forming a Documentary History of the Origin and Progress of the North American Colonies; of the Causes and Accomplishment of the American Revolution; and of the Constitution of Government for the United States, to the Final Ratification Thereof*, 4th ser. (Washington: M. St. Clair and Peter Force, 1837-1853), 1: 971.

³² *Ibid.*

Early summer 1774 was a confusing but active time in Virginia counties. In addition to new elections for the House of Burgesses, leaders held freeholder meetings across the colony, solidified Virginia resolve, and framed the agenda for the extra-legal Convention. As each group of freeholders met, they elected Convention delegates and issued them with “instructions” from their constituents. Certainly, local leaders orchestrated most of these sessions. Their purpose was less to instruct delegates than to unify constituents around the imperial issues and in support of gentry leaders. Community leaders set important precedents for the future conduct of their constituents, however. Leaders had used this ploy during the Robinson Affair to separate the offices of Speaker and Treasurer. They now employed it again to unify support against Parliament. Over the next several months their constituents would come to expect a larger and larger role in determining the course of provincial politics.³³

³³ Beeman, *Patrick Henry*, provides an excellent analysis of these summer 1774 resolutions. Also, Beeman gives an in-depth analysis of Lunenburg County during this ten year period in his *Evolution of the Southern Backcountry*, 121-122.

The *Virginia Gazette* reported extensively on freeholder’s resolutions in the summer of 1774. Fredericksburg inhabitants met at the “Townhouse” on June 1, the day of fasting, humiliation and prayer. (*Virginia Gazette*, ed. Rind, 16 June 1774.) Prince William County and the town of Dumfries met on June 6. (*Virginia Gazette*, ed. Rind, 9 June 1774, Supplement.) Westmoreland County met on June 22. (*Virginia Gazette*, ed. Purdie and Dixon, 30 June 1774.) Spotsylvania County gathered on June 24. (*Virginia Gazette*, ed. Purdie and Dixon, 7 July 1774.) Richmond County held a “respectable Meeting of Freeholders and Freemen” on June 29. (*Virginia Gazette*, ed. Purdie and Dixon, 7 July 1774.) Prince George County met before June 30. (*Virginia Gazette*, ed. Purdie and Dixon, 30 June 1774.) In James City County the freeholders met on July 1. (*Virginia Gazette*, ed. Rind, 14 July 1774.) Frederick County gathered in Winchester on June 8. (*Pennsylvania Gazette*, 29 June 1774, Postscript.) Culpeper County freeholders

When delegates met in Williamsburg during August 1774, as the first Virginia Convention, they took the important step of constructing a new nonimportation agreement. This new Association was far more stringent than the steps taken by the burgesses in May. The Convention resolved not to import “either directly or indirectly” any British goods, wares, merchandise or manufactures except for medicines after November 1, 1774. Some medicines arrived via the East India Company. They singled out that enterprise, threatening a special embargo on East India Company goods if compensation for the Boston Tea party was “extorted” from the people of Boston.

assembled on July 7. (*Virginia Gazette*, ed. Rind, 14 July 1774.) Essex, Norfolk County, Norfolk Borough, and Fauquier County Freeholders gathered on July 9. (*Virginia Gazette*, ed. Purdie and Dixon, 14 July 1774; 21 July 1774, Postscript; *Virginia Gazette*, ed. Rind, 4 August 1774.) Nansemond County residents met on July 11 and New Kent County the following day. (*Virginia Gazette*, ed. Purdie and Dixon, 21 July 1774, Postscript; and 28 July 1774, Supplement.) The “general meeting of the Freeholders and Inhabitants” of Caroline, Gloucester, and Chesterfield counties were held July 14. York and Middlesex counties probably met this same week. (*Virginia Gazette*, ed. Purdie and Dixon, 21 July 1774 Postscript and 28 July 1774 Supplement; *Virginia Gazette*, ed. Rind, 28 July 1774.) Dinwiddie and Henrico counties met on July 15 and Dunmore and Surry counties the following day. (*Virginia Gazette*, ed. Purdie and Dixon, 21 July 1774 Postscript; 28 July 1774, Supplement; and *Virginia Gazette*, ed. Rind, 4 August 1774.) The Fairfax County meeting was chaired by Washington on July 18. (Van Schreeven, *Revolutionary Virginia*, 1:127-133.) Hanover County penned an address to their delegates, John Syme and Patrick Henry, on July 20. (*Virginia Gazette*, ed. Purdie and Dixon, 28 July 1774, Supplement.) On July 25 Elizabeth City County and the town of Hampton assembled. (*Virginia Gazette*, ed. Rind, 28 July 1774.) Albemarle’s freeholder meeting took place July 26, 1774. (*Virginia Gazette*, ed. Rind, 4 August 1774.) Accomack County and Princess Anne County met July 27, 1774. (Force, *American Archives*, 4th ser., 1: 639-640; *Virginia Gazette*, ed. Rind, 4 August 1774.) Buckingham freeholders gathered at the courthouse on July 28. (*Virginia Gazette*, ed. Rind, 4 August 1774.) Stafford County penned an address for their delegates this last week of July also. (*Virginia Gazette*, ed. Rind, 28 July 1774.)

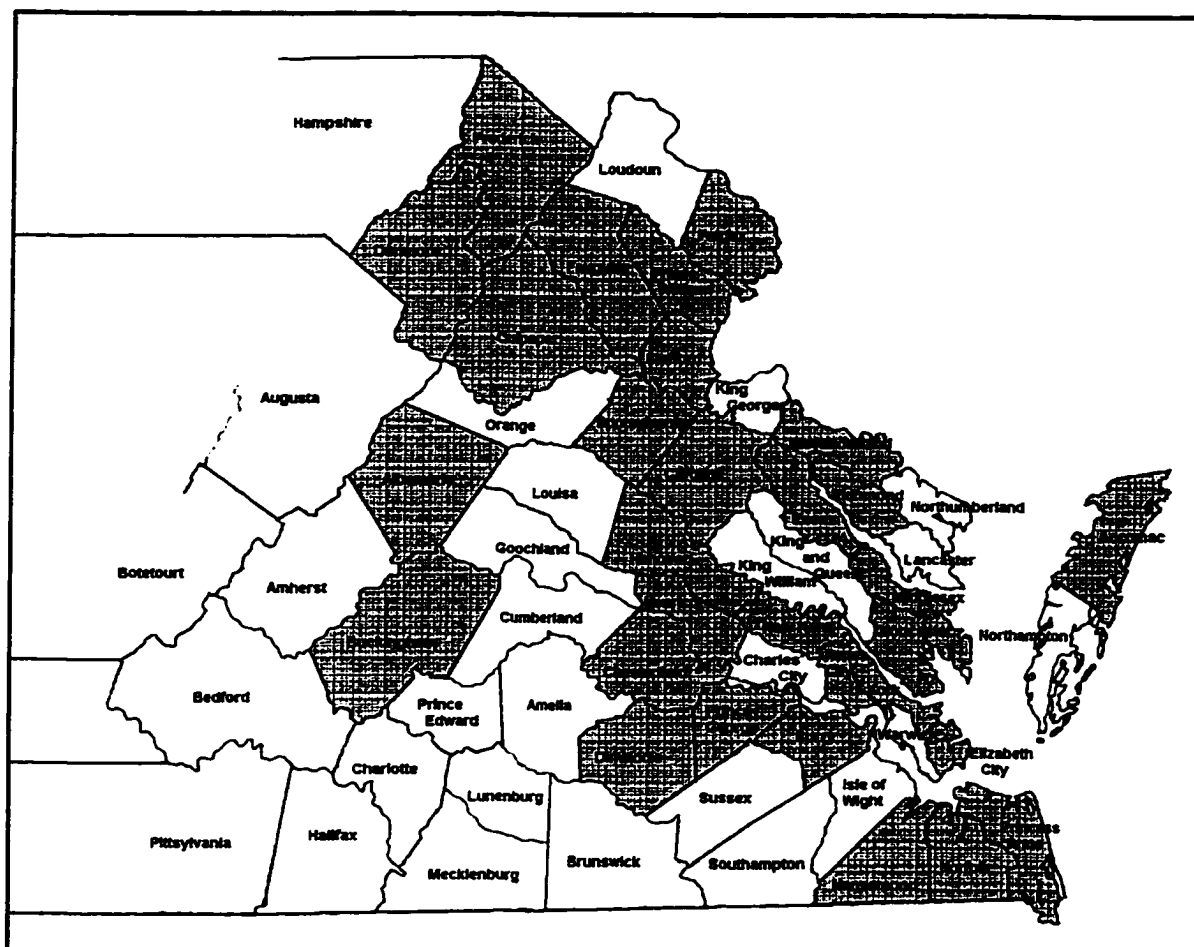


Figure 12: County Freeholder meetings, June - July 1774.

They refused to import slaves from “Africa, the West Indies, or any other Place.” Tea they considered a “detestable Instrument which laid the Foundation of the present Sufferings.” They would not “suffer even such of it as is now on Hand to be used, in any of our Families.” If American grievances were still unresolved by August 10, 1775, delegates declared their intention to employ nonexportation. After that date Virginia would not ship “Tobacco, or any other Article whatever,” to Great Britain.

This was a new provision. Previous associations had restricted imports but not exports. Delegates encouraged the propagation of sheep that Virginians raised primarily for meat. This measure encouraged wool production for cloth, a commodity embargoed after November 1. Realizing the shortages nonimportation would create delegates resolved that merchants should not take advantage and raise prices. To regulate trade they recommended that county committees oversee merchant practices. And they warned any merchant who “through Motives of Self-Interest” obstructed “our Views,” that they would not conduct business with any trader who did not sign the Association by November 1, 1774. Unlike the Association of 1770 the delegates did not solicit the merchants. This time, they would fashion a coalition with other constituents against merchants.³⁴

The Convention also responded to a Massachusetts circular of June 17 calling for a meeting of the colonial committees in Philadelphia. Delegates elected Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison and Edmund Pendleton as their representatives at the Congress now scheduled for September. They urged adoption of a nonimportation and nonexportation agreement to affect a redress of grievances and reiterated Virginia’s grievances with British imperial policy, railing against the “Intolerable Acts.” They asserted that the

³⁴ “Convention Association 6 August 1774,” Van Schreeven, *Revolutionary Virginia*, 1:231-235.

only correct manner of government required subordination of military power to civilian government. In Boston, though, “his majesty has expressly made the civil subordinate to the military.” Virginians questioned the King’s authority to “put down all law under his feet.” He violated the very constitutional powers from which he drew his authority to rule over Englishmen. What is more, in Boston “he has done it indeed by force.” Virginians implored “him remember that force cannot give right.”³⁵

Delegates and gentry patriots continued assembling the loyalty of constituents during the summer and fall of 1774. These efforts were all designed for communities to express unity of purpose. The “people” of Northampton showed that unity by shipping “one thousand bushels of Indian Corn” for the “distressed poor” of Boston. The freeholder meetings that began in June continued, meeting to elect local committees and regulate Virginia’s nonimportation association. Then, in October 1774, the Continental Congress adopted a Continental Association. Modeled very closely on one adopted by the Virginia Convention, the new Association took precedence, but Virginia’s preparations were well under way. The Continental Association embargoed goods, wares and merchandise from Great Britain and Ireland and East India Tea. It

³⁵“Instructions for the Deputies appointed to meet in General Congress on the Part of this Colony,” Van Schreeven, *Revolutionary Virginia*, 1: 236-239. Jefferson had worked on a draft of these instructions prior to the Convention. See, “Draft of Instructions to the Virginia Delegates in the Continental Congress, July 1774,” *Papers of Thomas Jefferson*, 1: 134. Philip Mazzei, “Memoirs of the Life and Voyages of Doctor Philip Mazzei,” translated by Dr. E.C. Branchi, *William and Mary Quarterly*, 2nd ser., 9 (July 1929): 166-167.

further prohibited the importation of molasses, syrups, paneles, coffee, pimento wines, madeira and indigo from British Plantations, Dominica or the “Western Islands” and slaves. Congress delayed implementation until December 1, 1774. Nonexportation was to begin on September 1, 1775. To promote “Frugality, Economy, and Industry,” delegates discouraged “extravagance and dissipation, especially all horse-racing, . . . gaming, cock-fighting, exhibitions of plays, shews, and other expensive diversions and entertainments.” They called on a committee elected in every county to enforce the terms of the Continental Association on “all persons.” Virginia leaders had already begun forging the new relationships required for enforcement. In doing so they gained firm control over the merchants of Virginia.³⁶

News of the Continental Association brought four hundred to five hundred merchants to Williamsburg. They met with Peyton Randolph and other Continental Congress delegates. After meeting with Randolph, merchants “expressed themselves as satisfied with the explanations.” They praised the delegates for their “wisdom and prudence,” and, according to the *Gazette*, “voluntarily and generally signed” the Association. But, despite their public declarations, it seems the merchants were not uniformly willing. Many signed because they were “Truly sensible of the necessity of preserving peace and harmony, not only between the different Colonies, but also among all ranks and societies.” It seems likely that the Associators made clear from the outset

³⁶ Force, *American Archives*, series 4, 1:913-916.



Figure 13: The Alternative of Williamsburg (Colonial Williamsburg Foundation).

they would use their power and influence to coerce merchants who did not sign. James Parker reported a liberty pole standing in Williamsburg opposite the Raleigh Tavern. On it hung a “bag of feathers, [and] under it a bbl [barrel] of tar,” a visible threat to those who refused the Association. In Alexandria, Cresswell reported “Everything

here is in the utmost confusion [and] Committees are appointed to inspect into the character and Conduct of every tradesmen.” He carefully wrote his letters to England convinced that Associators opened and read them. These were not idle threats.³⁷

Sometime before November 7 the “Inhabitants of York” went on board the ship *Virginia* and discovered two half chests of Tea. The tea was shipped by John Norton and Sons, London, to Prentis and Company of Williamsburg. The younger John Norton lived in Yorktown and managed the firm’s Virginia interests. York “inhabitants” sent word to Williamsburg and waited for instructions on what they should do. They waited for “the determination of the meeting of several Members of the House of Burgesses in Williamsburg, who had taken this matter under consideration.” When they did not get a reply as soon as they expected, they “hoisted the Tea out of the hole and threw it into the River.” Next day, the York County Association Committee met “to consider of this matter” and after “mature deliberation” announced that they “do highly approve of the conduct of the Inhabitants of York.” They found Prentis and Company had “incurred the displeasure of their countrymen, by not countermanding their orders for the Tea” and suggested Prentis “ought to make proper concessions for such misconduct, or be made to feel the resentment of the

³⁷ Mays, *Pendleton*, 1: 297-298; *Virginia Gazette*, ed. Purdie and Dixon, 10 November 1774; Force, *American Archives*, 4th ser., 1: 973; Kelly, “White Loyalists,” 2-3; Cresswell, *Diary*, 46, James Parker to Charles Steuart, 27 November 1774, Steuart Papers.

publick.” The committee also censured John Norton and ordered the “Ship *Virginia*, out of York within eighteen days in ballast.” The committee, mostly principal gentlemen in York County, would not censure the actions of the public. The “inhabitants” of York were important allies and leaders supported their case against the merchants. Though the tea had been ordered prior to any nonimportation restrictions, John Prentis publicly apologized, “I had not the least design to act contrary to those principles which ought to govern every individual who has a just regard for the rights and liberties of America.”³⁸

It was not just the nonimportation restrictions where merchants found themselves regulated. In December 1774, the Prince William Associators resolved that any “Merchant or Trader” suspected of “raising the price of his goods” would be required to “show his day-books and invoices” or “be deemed guilty of the charge, and subject to the penalties in such case provided.” The Westmoreland Committee felt the “monopolizing or engrossing of Goods” by merchants adversely affected “the poorer sort of people.” When citizens filed complaints with the committee each charge was investigated. In Caroline County the Committee ordered several Port Royal merchants to appear before them. The merchants refused. On December 26, the Caroline Committee met again and published its “suspicion” that the merchants “violated the

³⁸ Mays, *Pendleton*, 1: 299-300; *Virginia Gazette*, ed. Purdie and Dixon, 24 November 1774; Force, *American Archive*, 4th ser., 1: 964-965.

Association in selling their goods at a higher price than they had been accustomed to do for a year preceeding the Association.” They further recommended that “people of the county” boycott the “said merchants” who were “considered enemys to their country.” The merchants attempted a vindication by issuing a written statement for the public. It was unacceptable and the step inflamed the associators’s committee who declared it a “contumacious conduct.” There was no satisfactory justification for their “refusal.” The Committee demanded the merchants’ appearance at a January 13 meeting of the Associators. By this time the community was so inflamed that the Committee felt it necessary to offer a guarantee of safe conduct for the merchants to attend the meeting. The offending merchants appeared this time as ordered: James Miller, James Dunlop, William Dixon, Andrew Leckie, John Wallace and Patrick Kennan presented their books to the committee. It was a protest of principle for the merchants. The Committee found no evidence that the merchants overcharged for their goods.³⁹

Port Royal merchants had cause to fear the populace and the Committee. In Stafford, just north of Caroline, the local Committee also employed coercion against merchants. They were taken before the Committee one at a time and examined. They waited for their appearance before the Committee in a room “we that day had for our

³⁹ Force, *American Archives*, 4th ser., 1: 1021-1022; 1034; Mays, *Pendleton*, 1: 302-303; “Proceedings of the Committees of Safety of Caroline and Southampton Counties Virginia 1774-1776,” *Bulletin of the Virginia State Library*, ed. H. R. McIlwaine, 17 (November 1929): 127-129.

sole use.” The populace taunted them, threatening to throw “us out at Windows, or out of Smith’s Portico into the Street, which was overruled by some others.” These merchants were a hearty bunch though because they still refused to sign the Continental Association. It was only after receiving news from Fredericksburg that the people there planned to attack them that the merchants made up their minds. It was a decision made because it was “expedient, [and] not from any conviction, but from motives of self preservation with Peace & quietness to sign it.”⁴⁰

That winter Dunmore conceded that “The Associations . . . are now enforcing thro’ out this country with the greatest rigour.” The county committees “send for all such as come under their suspicion into their presence, to interrogate them respecting all matters, which at their pleasure, they think fit objects of their inquiry.” Adherence to the Continental Association was accomplished by “Stigmatising” and employing the “Outrageous and lawless Mob.” Courts were abolished in favor of the committees. “There is not a Justice of Peace in Virginia that Acts except as a Committee Man.” It was in this manner that the “men of fortune and preeminence Joined equally with the lowest and meanest.” Gentry leaders had forged a new alliance with lesser Virginians. It was a new alliance forged at the expense of Virginia merchants. Interestingly, well-established Virginia and English firms like Prentis and Company or Norton and Sons do not seem to have received any better treatment than the Scots merchant factors. But

⁴⁰ Mays, *Pendleton*, 1: 302-303.

most important, in establishing this new alliance, gentry leaders conceded a new participatory role to lesser Virginians.⁴¹

That new spirit of participation changed the character of freeholder meetings in the counties during the next year. Take for example, the February 1775 meeting of Hanover freeholders. They provided instructions for their convention delegates. In so doing, they felt it reasonable that delegates receive reimbursement for their expenses traveling to the Convention and granted permission for delegates to “use their influence to have the same taxed on the Colony by the Convention.” They also noted, however, “That it would be unjust, as well as unnatural to keep our countrymen that nobly fought and defended our country against a savage enemy [in Dunmore’s War], out of their pay.” Many of those poorer Virginians were “in distressed circumstances, especially the families of those that were killed and wounded.” Freeholders instructed delegates “to have some provision made for the payment of their wages, by a Poll Tax, or any other way that shall be thought expedient.” These surprising instructions balanced the interest of gentry leaders with the concerns of lesser Virginians. Put simply, if leaders expected reimbursement for their services, they must also reimburse lesser Virginians

⁴¹ Dunmore to the Earl of Dartmouth, 24 December 1774, PRO, CO, 5/1373 fols. 43-44.

for their sacrifices. Over the next year freeholders would continue expanding their influence in the politics of their communities.⁴²

In the changing volatile dynamic that was 1774, Virginians forged new alliances and new institutions. Virginia's Convention acted as a surrogate House of Burgesses. County committees and freeholder meetings increasingly governed local affairs. Like shadow worlds, Virginians acknowledged their British heritage and allegiances while at the same time creating extra-legal institutions to subvert established ones. One world recognized the hierarchical alliances of monarchy. The other rested on the authority of the people.

⁴² Force, *American Archive*, 1: 1248-1249.

CHAPTER X

HUNTING SHIRTS, TOMAHAWKS AND GUNPOWDER

Dunmore arrived in Williamsburg on the afternoon of December 5 to a hero's welcome. Virginia's Royal Governor had "humbled" Virginia's Shawnee enemies and removed "the grounds of future quarrel between them and the people of Virginia." He had rescued "the white prisoners in their Towns, with the horses and other plunder they took." Dunmore secured "the lands on this side of the Ohio" for Virginia and laid a "foundation for a fair and extensive Indian trade." Citizens of Williamsburg wished him "every degree of felicity" and pledged they would contribute to that good fortune "as far as lies in our power, during your residence among us." But Dunmore's public triumph was not the only reason for celebration. The immensely popular Lady Dunmore had given birth to a daughter they named Virginia. "As we sincerely participate in every circumstance of your publick glory, neither can we be insensible of your private happiness in the birth of a daughter, and the recovery of Lady Dunmore." Residents offered their "most cordial congratulations; and we devoutly wish that, to the pleasing remembrance of having faithfully discharged your important trust of government, you may have superadded the approbation of your royal Master, the grateful returns of an happy people." But in their shadow world of local committees

and conventions, Virginians armed themselves and prepared to resist imperial policy, the same royal authority they celebrated.¹

As Virginians celebrated the success of Lord Dunmore's War in December 1774, they applauded more than a provincial triumph. Their words and resolves expressed attachment to governor, King and the British heritage they believed was their birthright. Though many thought Parliament's actions oppressive and misguided, a military imperative was not part of the common thinking. Of course, rumors had begun. Nicholas Cresswell and Phillip Vickers Fithian had heard Northern Neckers express concerns that current tensions would lead to fighting. At the August Convention a Northern Neck gentleman, George Washington, offered to raise a thousand men with his own resources and march them to the relief of Boston. But as yet, there was no formal military preparation under way. The Convention had called for economic boycott, but not military preparedness. The first organized military expression occurred in Fairfax County after the close of the convention. It began a rally of gentlemen across the colony who demonstrated their resolve to protect the liberties of every Virginian.²

¹ Selby, *Revolution in Virginia*, 17-18; Van Schreeven, *Revolutionary Virginia*, 2:105-108; Force, *American Archives*, 4th series, 1: 1014 and 1019-1020.

² Cresswell, *Diary*, 19; Fithian, *Journal and Letters*, 111; Van Schreeven, *Revolutionary Virginia*, 1:225.

As early as the summer of 1774, some Virginia communities began forming military associations to display the colony's resolve. In September 1774, Fairfax County formed an independent company. At a freeholder meeting on September 21, citizens of the county approved the Fairfax County Militia Association. They observed that they were in a "Time of extreme Danger, with the Indian Enemy in our Country, and threat'ned with the Destruction of our Civil-rights, & Liberty." Therefore they resolved to "form ourselves into a Company, not exceeding one hundred Men, by the Name of the Fairfax Independant Company of Voluntiers." Once formed, members of the company elected their officers. Members pledged time for "practising the military Exercise & Discipline." Each man provided his own uniform "of Blue, turn'd up with Buff; with plain yellow metal Buttons, Buff Waist Coat & Breeches, & white Stockings." In addition, the members each obtained a musket, bayonet, cartridge box, and tomahawk, and stocked six pounds of powder, twenty pounds of lead, and fifty musket flints. They pledged that "we will always hold ourselves in Readiness" to defend "the legal perogatives of our Sovereign King George the third, and the just Rights & Privileges of our Country, our Posterity & ourselves upon the Principles of the British Constitution."³

³ Fairfax County Militia Association; Independent Company of Fairfax, *George Mason Papers*, 1: 210-211.

In other counties the resolves were similar. Albemarle freeholders formed an independent company, binding themselves “by the sacred ties of virtue, Honor and love to our Country.” Any member failing in his pledge to defend the liberty of Americans was “unworthy the rights of freemen, and as inimical to the cause of America.” Furthermore, members were obligated to serve when called upon. Any man elected to the post of officer who refused to serve paid a fine of between ten and twenty-five pounds. Members pledged to obey their elected officers and muster at least four times a year with a gun, shot pouch, powder horn, and a hunting shirt.⁴

Prince William County freeholders formed the Independent Company of Cadets. Fixed to their colors was the company motto: *Aut liber, aut nullus* (Either liberty or death). In Dunmore County the “First Independent Company of Dunmore” bound themselves “by all ties of Honour, Love to our Country, and the words of Gentlemen to adhere strictly to such resolves which shall be entered into by a Majority of the Company.”⁵

⁴ George Gilmer, “Papers Military and Political 1775-1778, of George Gilmer, M.D., of ‘Pen Park,’ Albemarle County, Virginia,” *Collections of the Virginia Historical Society, New Series* (Richmond: Published by the society, 1887), vol. 6, *Miscellaneous Papers, 1762-1865, Now First Printed from the Manuscript in the Collections in the Virginia Historical Society*, edited by R. A. Brock, 82.

⁵ Extracts from the Minutes of the Independent Company of Cadets of the 11th Novr. 1774, *Washington Papers* (Washington, D.C.: Library of Congress Microfilm Series, 1964), 4th ser., Reel 33; “The First Independent Company of Dunmore,” *Virginia Magazine of History and Biography*, 44 (April 1936): 102-104.

The design of these companies flew in the face of conventional military organization. Traditionally, officers came from the upper classes – gentry or titled aristocrats – and gained commissions through political connections. Enlisted men came from the lower sort, bred and trained to follow the orders of their officers without question. More often than not, the allegiance of the common soldier rested in his officers and his unit. It was from them that the line soldier received his rations, his pay, and his life. Virginia’s militia system followed much the same pattern. The governor appointed officers from the prominent gentry of the colony. Virginia’s independent companies, however, based themselves on democratic principles. First, they pledged loyalty to principles of constitutional government. Second, they selected leaders by ballot and then moved one step further. Though bound to obey the officers they selected, independent companies voted on the actions the company was to take. In this model, officers were little more than chairmen of the organization. Companies also attached themselves strongly to the principle of civil control of the military. The civil government they chose for their head, however, was not the Royal authority of the Governor. It was the extra-legal county committees of safety formed under the authority of the Continental Congress and its Association. Companies pledged that they “should not be led to duty without the voice of the Committee.”⁶

⁶ Gilmer “Papers,” 84.

It seems evident that in the fall of 1774, the volunteers enlisting in these independent or gentlemen's companies were the more affluent of the county. This was a true case of leading by example and over the course of 1774 and 1775 the composition of the companies changed. Increasingly, lesser Virginians, following the example of local leaders, enlisted in the companies and filled out their ranks. In Albemarle, the local company started with twenty-seven members that included Thomas Jefferson and other county gentlemen. Within two months the enlistment had grown to seventy-four men, but only twelve of the original members were still on the rolls. Most telling, the prominent gentlemen of the county had given up their position in the ranks to lesser members of the community.⁷

The Second Virginia Convention met at Richmond's Saint John's Church during March 1775, as revolutionary rhetoric supporting armed resistance to British policy surged. It was a heated debate. With the resolutions for military preparedness

⁷ McDonnell, "'Loaded Guns and Imprudent Expressions,'" 7-10 and fn 13. McDonnell analyses two rolls for the Albemarle Independent Company, comparing them against the 1782 tax list (the only tax list available within ten years of 1775). In the first roll from April 1775 enlistees averaged 15 slaves, 27 cattle and 8 horses each. All owned slaves. In the second roll for June 1775 the complexion had changed. Total enlistment rose from 23 to 74, but only 12 of the original enlistees were present. This group averaged 5 slaves, 10 cattle and 3 horses. One third of the group did not own any slaves. Other counties do not have two consecutive rolls for analysis. We can compare the Albemarle company with single rolls of others, however. Of the 35 individuals appearing on subsequent tax lists, Chesterfield's company averaged 5 slaves, 2 horses and 7 cattle. A quarter of the Chesterfield company did not own slaves. Dunmore's Company averaged 2 slaves, 6 horses and 12 cattle each. In Dunmore two thirds did not own any slaves at all.

introduced, conservatives charged the move was inflammatory. Virginians sought to rectify injustices and “not to alter or destroy the Constitution.” Others felt the resolutions misleading. Though intended to prepare Virginia to resist armed conflict, the measure gave the illusion Virginia prepared a military initiative. As the debate raged, Patrick Henry rose and addressed the chair. “I repeat it, sir, we must fight! An appeal to arms and to the god of Hosts is all that is left us!” Then in the manner of a new light preacher he built his rhetoric to an impassioned plea turning to the gentry that surrounded him. “What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty god!” Then he continued. “I know not what course others may take but as for me, give me liberty, or give me death!” The emotional appeal struck at the hearts of gentlemen and commoner alike. The words so moved Edward Carrington that he declared, “Let me be buried at this spot!” A Baptist minister listening at the door recalled he was “sick with excitement.” Henry’s appeal brought Richard Henry Lee forward to second the resolutions, but the debate continued. Not until later in the day did the resolutions narrowly pass the Convention.⁸

Second Virginia Convention resolutions called for universal military service, giving more support and credence to the independent company movement already under

⁸ Van Schreeven, *Revolutionary Virginia*, 2: 368-369; Henry, *Patrick Henry*, 1:258; Mays, *Edmund Pendleton*, 2: 5; William Wirt, *The Life of Patrick Henry* (Hartford: 1846), 141-142.

way. They recommended that county committees of safety reactivate the militia law of 1738. Under that act every free white male was eligible for military service. It set terms for a regular mustering of the populace. Fairfax County formalized its arrangement by adopting the plan “for Embodying the People.” All white men between the ages of eighteen and fifty were eligible for service. They too, however, elected their officers. The resolves divided county men into companies that included a group of riflemen serving as the regiment’s light infantry. Citizens provided their own military accouterments including “painted Hunting Shirts and Indian Boots, or Cap.” Fairfax County stood prepared to defend the religion, laws, rights, and privileges of Virginia.⁹

Between fall 1774 and spring 1775, the Virginia Convention, county committees, and independent companies consolidated positions and developed methods for coordinating their actions. Preparations for armed conflict were underway. First, local association committees slowly and steadily increased their authority. They became the Committee of Safety replacing county courts and magistrates. The Albemarle Committee imposed a tax of one shilling six pence on county tithables to defray the cost of munitions. Fairfax County’s tax of three shillings collected nearly two hundred pounds for arms and ammunition. In January 1775, the Dunmore

⁹ “Fairfax County Militia Plan ‘for Embodying the People,’” *George Mason Papers*, 1: 215-216.

Committee of Safety purchased almost three hundred pounds of gunpowder and quantities of lead for shot. The Cumberland Committee offered “a premium of three Shillings per pound to the first person, or company of persons, who shall within eight months . . . produce . . . good Gunpowder, manufactured in America.” Caroline’s Committee collected arms and ammunition belonging to local merchants and “lodged with each of the Committee seven pounds to each Person” for safe keeping.¹⁰

Gentry leaders took on new capacities with the companies now. They returned to their more traditional role of patron. Several county companies named George Washington their commander in chief. He accepted each request for assistance and spent much of his time assisting the companies in the purchase of military necessities and regalia. Through a Philadelphia merchant, Washington ordered a stand of forty muskets for the Prince William Independent Company. The order for arms accompanied requests for sashes, gorgets (engraved with the Virginia coat of arms), shoulder knots, drums, fifes, colors, and copies of *The Manual Exercise as ordered by his Majesty in 1764*. Burgess Dabney Carr of Prince William County presented a stand of colors, two drums, and two fifes to the local company in February 1775. Edmund Pendleton made the same gift, later that spring, to the Caroline Company. Its members

¹⁰ Gilmer “Papers,” 78-79; “Account of Fairfax County Weapons Levy,” *George Mason Papers*, 1: 228; “Dunmore County,” 246-247; Force, *American Archive*, 4th ser., 1: 1247; “Committees of Safety Caroline and Southampton Counties,” 130.

resolved their “grateful thanks” for the “very genteel present” and extolled “his noble endeavours to support the cause of liberty and freedom.”¹¹

A military fascination appeared nearly everywhere in the colony. Dr. George Gilmer, the elected lieutenant of the Albemarle Company, filled his commonplace book with military notes. Fairfax requested patterns for hunting shirts, caps, and gaiters from George Washington. The Dinwiddie Independent Company hired “an expert ADJUTANT to instruct them in military Discipline.” Thomas Hookins and Thomas Sterling, of Alexandria, advertised their services to teach “any Number of Boys the Military Musick of the Fife and Drum; and also supply any Persons with Music of the said Instruments.”¹²

It was not all drill and pageantry. The political alliance between county committee and county military company elevated patriotic coercion to new heights.

¹¹ *Virginia Gazette*, ed. Purdie, 13 October 1775, 2; Appleton P.C. Griffin, ed., *A Catalogue of the Washington Collection in the Boston Athenaeum* (Boston: The Boston Athenaeum, 1897), 135-136; The Fairfax Independent Company to George Washington, 19 October 1774; William Grayson to George Washington, 27 December 1774; William Milnor to George Washington, 3 January 1775; William Grayson to George Washington, 8 February 1775; William Milnor to George Washington, 18 April 1775, *Washington Papers*, 4th ser., reel 33; George Washington to William Milnor, 23 January 1775, *The Writings of George Washington from the Original Manuscript Sources 1745-1799* (Washington: The United States Government Printing Office, 1931-1944) 3: 265-267.

¹² Gilmer, “Papers,” 76-77; Independent Company of Fairfax to George Washington, 25 April 1775, *Washington Papers*, 4th ser., reel 33; *Virginia Gazette*, ed. Dixon and Hunter, 10 June 1775, 3; and *Virginia Gazette*, ed. Purdie, 17 June 1775, Supplement, 2.

County patriots found the independent companies an excellent enforcement arm for the committee of safety. Nicholas Cresswell noted that the Alexandria Committee and Independent Company were forceful. The Committee inspected “the Characters and Conduct of every tradesman, to prevent them selling Tea or buying British Manufacturers.” Some offenders had been “tarred and feathered, others had their property burnt and destroyed by the populace.” In Alexandria “The King is openly cursed” and “everything is ripe for rebellion.” On November 3, 1774, at a mustering of the Independent Company an “Effigy of Lord North was shot at, then carried in great parade into the town and burnt.”¹³

These meetings of the committees of safety or independent companies were occasions to rally the populace and involve all segments of the society in patriotic resistance. Leaders, dressed in hunting shirts and carrying tomahawks (symbols of Virginia resistance), associated themselves with liberty and popular sentiment. “Behold me before you with my Tomahawk girt about me,” declared George Gilmer in Albemarle County. Standing before the independent company Gilmer was “too sensible of my awkwardness” as a soldier. The esteem of the men, however, “shall animate me” to use the tomahawk. “Give me liberty now, Soldiers,” Gilmer cried.

¹³ Cresswell, *Journal*, 43-44, and 46.

The lieutenant resolved “never to bury the Tomahawk until liberty shall be fixed on an immovable basis thro’ the whole Continent.”¹⁴

Cresswell, a loyal Briton traveling in Virginia, was “Exceedingly uneasy in mind.” Living in Virginia in an atmosphere ripe with the tensions of burgeoning rebellion, Cresswell simply stated, “I do not know what to do or in what manner to proceed for the best.” As tensions increased, patriot rhetoric and action intensified. Moderates at the March 1775 Convention introduced a resolution copied from the Jamaican General Assembly. The resolution asserted colonial rights, but expressed wishes for a “speedy return to those halcyon days when we lived a free and happy people.” Patrick Henry offered up a counterproposal that called for a strengthening of Virginia’s military defenses. It was Henry’s resolutions the Convention approved. That month Dunmore described Virginia as a colony preparing for war. Counties taxed their citizens and purchased war materials. County committees of safety controlled the day to day local government and business. Virginia Conventions resolved to raise troops to defend the colony against British aggression. The governor felt threatened by the growing militarism around him.¹⁵

¹⁴ Address of Lieut. George Gilmer to the First Independent Company of Albemarle County, Gilmer, “Papers,” 79-80.

¹⁵ Cresswell, *Journal*, 45; and Lord Dunmore to the Earl of Dartmouth, 14 March 1775, PRO CO 5/1353 ff.103-110.

In a circular letter, the Earl of Dartmouth instructed America's Royal Governors to take appropriate measures to secure the arms and ammunition stockpiled by Colonials. Dunmore began with plans for securing the public arms and ammunition in Williamsburg's Magazine. Sometime in early April 1775, the Governor ordered the Keeper of the Magazine to deliver up the keys. John Frederick Miller obeyed the Governor's command. The public armory contained several stand of arms and twenty-one and one half barrels of gunpowder. Not long after, Miller learned that the Governor ordered locks removed from some muskets stored in the building. Without the firing mechanism the weapons were useless. The Magazine's keeper also got wind of a rumor. Dunmore intended to remove the gunpowder from this public store. His report alarmed the city fathers. The local independent company mounted a guard on the building.¹⁶

That was not the only tension in town. Some slaves in and around the city created "some disturbances," and citizens worried an uprising of some sort was eminent. Concerns were so serious that Speaker Randolph, due to leave for Philadelphia soon to attend the Continental Congress, delayed his travel plans. Edmund Pendleton thought the situation was so serious, he was certain Randolph would cancel his trip. From at least April 12 and through the late night hours of April 20, the Williamsburg independent company kept vigil over the public magazine. By the early

¹⁶ *Journal of the House of Burgesses of Virginia, 1773-1775*, 223.

morning hours of April 21, the novelty of guard duty had worn off. Deciding that the rumors were false, the independent company suspended its watch.¹⁷

Between 3:00 and 4:00 a.m. Friday morning April 21, a detachment of twenty men from the HMS *Magdalen*, moored at Burwell's Ferry, removed gunpowder from the Magazine. Dunmore had hoped that Lieutenant Collins and his detachment could do their job quickly and transport the powder the fifteen miles between Williamsburg and Burwell's without discovery. Unfortunately, residents discovered the party. As Lieutenant Collins moved hastily out of town with his prize, a cry went through the streets of Williamsburg and the town exploded with activity.¹⁸

¹⁷ To George Washington from Edmund Pendleton, 21 April 1775, *Pendleton Papers*, 1: 102; *Journal of the House of Burgesses of Virginia, 1773-1775*, 223. See Woody Holton, "Rebel Against Rebel": Enslaved Virginians and the Coming of the American Revolution, *Virginia Magazine of History and Biography*, 105 (Spring, 1997): 157-169, for his review of slave insurrection rumors and fears in the spring of 1775.

¹⁸ *Ships Log of the Schooner Magdalen under the command of Henry Collins for the period April 17, 1775 - Sept. 8, 1775*, PRO, Adm. 51/3894; *Virginia Gazette*, ed. Purdie, 21 April 1775, 3, Lord Dunmore to the Earl of Dartmouth, 1 May 1775, PRO, CO 5/1353, ff 137-140, and John Daly Burk, *The History of Virginia* (Petersburg: 1804) 3: 409fn. Actually, the case of the stolen gunpowder presents an interesting historical mystery. It is certainly a coincidence that hours after the Independent Company ceased guarding the building, *Magdalen* sailors arrived to remove the powder. According to the *Magdalen* log the detachment did not leave Burwell's Ferry until 3:00 a.m. If they marched at the healthy pace of three miles an hour the detachment could have covered the fifteen mile road to Williamsburg in an hour and a half. That would place them in Williamsburg around 4:30 a.m. The *Virginia Gazette* reported that the theft was discovered between 3:00 and 4:00 that morning, suggesting that Collins and his crew from the *Magdalen* were in Williamsburg by 3:30 at the least. It appears that the Governor and Collins conducted an extremely efficient operation. Or, it is also possible that Collins' altered his records to make the operation appear more efficient than it

Dunmore reported that as the town citizens gathered “continued threats were brought to my House.” Drums beat throughout the town to raise the alarm. The independent company mustered under arms. In the confusion, hot heads took control of the mob. Dunmore understood “it was their Resolution to seize upon, or massacre me, and every person found giving me assistance if I refused to deliver the Powder immediately into their Custody.” Dunmore armed the members of his household and waited. Finally, city fathers gained control by convincing the crowd that they would take appropriate action. The town leaders retired to the courthouse to consider their course while citizens waited patiently.¹⁹

About daylight, the Mayor, Recorder, Aldermen, and Common Council emerged from the courthouse. They had with them a petition for Governor Dunmore. Stepping off the courthouse steps, city fathers began the short walk to the Governor’s Palace. Behind them followed the Williamsburg Independent Company. Townspeople crowded up behind these formal groups giving the scene the simultaneous appearance of a procession and a mob. From his window, Dunmore watched them round the corner

actually was. It could be, for example, that his sailors slipped into Williamsburg several days before they removed the powder and hid on the Palace grounds. When patriots quit their guard on the Magazine, the marines moved from the Palace to the Magazine and then out of town transporting the powder to Burwell’s Ferry. Collins, most likely, did not want the home Admiralty’s Office to know his ship lay in Virginia waters unprotected for that amount of time. Fearing disciplinary action, he may have altered the log book.

¹⁹ Lord Dunmore to the Earl of Dartmouth, 1 May 1775 PRO CO 5/1353 ff 137-140.

of Duke of Gloucester Street and turn onto the Palace green. This was the mob scene he had hoped to avoid by having Lieutenant Collins spirit the powder away secretly in the night. As if they read the Governor's apprehension, the armed Independent Company stopped midway down Palace Green. The appearance of their weapons made the point. There was no need to march to the Palace gates, especially since the Governor might see it as an attempt to take him by force. The mayor and members of the Corporation continued their walk to the Palace alone.²⁰

It was Peyton Randolph who stepped forward and read the address. He first explained the cause for the town's alarm. "An escort of marines" had conveyed the gunpowder stored in the public magazine "on board one of his Majesty's armed vessels lying at a ferry on James River." Randolph continued mildly asserting that the powder, stored in the colony's magazine, belonged to the colony, not the crown. Thus, Randolph implied Dunmore had acted outside his and the crown's prerogative. What is more, Randolph questioned the Governor's judgment. Rumors actively circulated that "some wicked and designing persons have instilled the most diabolical notions into the minds of our slaves." Without gunpowder how could they defend themselves, Randolph asked?²¹

²⁰ Lord Dunmore to the Earl of Dartmouth, 1 May 1775, PRO CO 5/1353 ff 137-140.

²¹ *Virginia Gazette*, ed. Purdie, 21 April 1775, Supplement, 3-4.

Randolph then humbly desired “to be informed . . . upon what particular purpose the powder has been carried off in such a manner.” With city fathers standing behind him, Randolph said, “we earnestly entreat your Excellency to order it to be immediately returned to the magazine.” The address was firm, but not openly hostile. Dunmore listened patiently, well aware of the armed mob waiting some distance down the green. He later told Dartmouth, “I thought proper, in the defenceless state in which I find myself to endeavor to sooth them.” The Governor portrayed his actions as protecting the community. City fathers had mentioned the specter of slave insurrection in their address and Dunmore informed them that was precisely why he removed the powder. He answered that, “I had removed the Powder lest the Negroes might have seized upon it.” He told them the munitions were close by, but secure. If slaves threatened the city, Dunmore could and would “quickly deliver it to the People.” In fact, Lieutenant Collins was already sailing the *Magdalen* down the James River to transfer the stolen powder to the Man of War *Fowey*.²²

Randolph, the mayor, and members of the corporation took Dunmore’s answer and returned down the green. They spoke with the Independent Company and citizens waiting there. Most likely it took all their influence to disperse the crowd, but despite Dunmore’s vague promise to return the powder only if needed, the citizens of

²² *Virginia Gazette*, ed. Purdie, 21 April 1775, Supplement, 3-4; Lord Dunmore to the Earl of Dartmouth, 1 May 1775, PRO CO 5/1353 ff 137-140.

Williamsburg returned to their homes and shops. Hot heads in town, however, continued agitating for violence. They issued threats against naval Lieutenant Collins, Captain Foy (an army officer), and the Governor himself. These threats agitated Dunmore. On April 23, a local physician, William Pasteur, attended a patient at the Palace. While there, he had occasion to talk with the Governor. Dunmore gave Pasteur a message for the town. Angrily Dunmore warned, "if a Grain of Powder was burnt at Captain *Foy* or Captain [Lieutenant] *Collins*, or if any Injury or insult was offered to himself, or either of them, that he would declare Freedom to the Slaves, and reduce the City of *Williamsburg* to ashes." These were not rash words spoken in anger. Dunmore, as early as 1772, speculated on the danger of a slave army. He informed the Earl of Hillsborough that the slave's "condition must inspire them with an aversion" to their masters and the country. Dunmore surmised that Virginia's Negroes would "join the first that would encourage them to revenge themselves, by which means a conquest of this country would inevitably be effected in a very short time."²³

News of Dunmore's gunpowder incident rippled through the countryside and reached the town of Fredericksburg on April 23. Coincidentally, the Fredericksburg Independent Company held a scheduled meeting the following day. When the company

²³ *Journal of the House of Burgesses of Virginia, 1773-1775*, 231; Governor Earl of Dunmore to Earl of Hillsborough (No. 9), 1 May 1772, *Documents of the American Revolution 1770-1783*, ed. K. G. Davies, (Dublin: Irish University Press, 1974), 5: 94-95.

gathered their elected captain, Hugh Mercer, laid the news before them. After some lengthy conversation and debate the company resolved and voted to march on Williamsburg. In Williamsburg, the company would “enquire into this affair and there to take such steps as may best answer the purpose of recovering the powder and securing the Arms now in the Magazine.” They appointed April 29 as the day of march. Fredericksburg sent express riders through the countryside to announce their resolve and invite other like-minded companies to join them. They instructed all who might join to appear outfitted as light horse. The advance on Williamsburg would be swift.²⁴

As an afterthought, the Fredericksburg Independent Company sent a letter to George Washington on April 26. Washington was the acknowledged commander in chief, but the members had decided their course of action without his advice. On the 26th, Washington was in Alexandria discussing the situation with the independent company of that town. With the information at hand, Washington did not believe that troops should respond. He decided that he would not go to Fredericksburg. Washington was a delegate to the Continental Congress and decided that this “duty I had been deputed to by the Country at large” was more important. By April 27, several county companies had established camps in Fredericksburg. Mann Page Jr. of

²⁴ The Independent Company of Fredericksburg to Captain William Grayson, 24 April 1775, *Washington Papers*, 4th ser., Reel 33.

the Spotsylvania Independent Company was chosen as an express rider. He, accompanied by two other riders, set out for Williamsburg with the news that two thousand men gathered at Fredericksburg prepared to march for the relief of Williamsburg.²⁵

On arriving in Williamsburg, Mann Page met with Peyton Randolph. No doubt, the news alarmed Randolph. The prospect of two thousand armed men marching on the city to confront Dunmore in this delicate standoff was ominous. He and the city leaders averted armed rebellion the previous Friday when they convinced Williamsburg's Independent Company and citizens to disperse. While threats had continued to fly occasionally between town citizens and the Palace, tensions were easing. The Governor and Royal Naval officers walked the streets of town unmolested. Randolph was preparing for his trip to Philadelphia as a Virginia representative to the Continental Congress. Now he worked quickly to avoid this new crisis.²⁶

First, Randolph penned an address to the Independent Companies in Fredericksburg. He informed them that the situation in Williamsburg was calm but

²⁵ Washington, *Diary*, 2: 193; Fredericksburg Independent Company to George Washington, 26 April 1775, *Washington Papers Series*, 4th ser., Reel 33; George Washington to Captain Charles Lewis and Lieutenants Gilmer and Marks, of the first Company of Volunteers in Albemarle, 3 May 1775, Gilmer, Papers, 80-81; and *Virginia Gazette*, 28 April 1775, Supplement, 4.

²⁶ *Virginia Gazette*, ed. Purdie, 20 April 1775, Supplement, 4; *Journal of the House of Burgesses of Virginia, 1773-1776*, 231-233.

tenuous. Assuring the military that Williamsburg's leadership had the situation firmly in control, Randolph asked the Independent Companies to disband and return home. He counseled caution. A march on the city of Williamsburg would be an act of open armed rebellion, an act that would force Dunmore to take stern punitive action. He also informed them that he would be in Fredericksburg soon, and would meet with them personally. Mann Page took the message and rode immediately back to Fredericksburg. Then Randolph hastily prepared his luggage and coach for the northward trek.²⁷

The Independent Companies probably received Randolph's message April 29, the day appointed for the march. They were ready for action. Michael Wallace thought, "Fredericksburg never was honour'd with so many brave hearty men since it was a Town, every man Rich and poor with hunting Shirts Belts and Tomahawks fixed of in the best manner." As the town swelled with the influx of armed men, speeches and demonstrations raised emotions and patriotic fervor to a peak. Landon Carter told the Richmond County company, "Consider this my D[ea]r. Countrymen, You are only going to recover what is most essentially your own." Dunmore had stolen from the people of Virginia. The mission to Williamsburg would reclaim Virginia's property and demonstrate her resolve to defend rights and property. Carter prepared the

²⁷ *North Carolina Gazette*, 12 May 1775, 3; *Virginia Gazette*, ed. Purdie, 28 April 1775, Supplement, 4.

Richmond volunteers for the pending danger by enjoining, "If you are resisted in this . . . hazard your lives my dear Souls."²⁸

Instead of shouldering arms and forming the line of march on April 29, the elected officers met in a "Council of War." Without Washington, there was no clear army commander. As the council considered Randolph's message, they debated their course of action. County committees of safety, to whom the companies pledged their allegiance, provided advice to their representatives at the "Council of War." The Caroline Committee "recommended to the Independent Company of Caroline to continue together till they see the Honl Peyton Randolph Esq. before they determine whether they march to Wms.Burg or not."²⁹

Possibly it was the express that arrived from New England that gave them pause. Alexander Purdie printed the news in a hastily produced supplement dated April 29, 1775. On April 19 British troops "landed at Phipps farm, at Cambridge," Massachusetts and marched to Lexington. Without provocation, regulars fired on "a company of our colony militia in arms." Six colonials died in the initial exchange.

²⁸ Michael Wallace to Gustavus Wallace, May 14, 1775, *Wallace Family Papers*, Alderman Library, University of Virginia, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm M-62.4; Landon Carter to the Independent Company or Company of Volunteers of Richmond County, April 28, 1775, *The Carter Family Papers, 1795-1797 in the Sabine Hall Collection* (UVA Microfilm Publications, 1967).

²⁹ Force, *American Archives*, 4th Series, 2: 443; *Proceedings of the Caroline Committee of Safety*, 131.

Later, militiamen confronted the regulars at Concord. By the end of the day – according to Purdie’s supplement – fifty Massachusetts militiamen and one hundred and fifty British regulars lay dead. Purdie ended with the words, “It is now full time for us all to be on our guard, and to prepare ourselves against every contingency. The sword is now drawn, and God knows when it will be sheathed.”³⁰

Peyton Randolph arrived in Fredericksburg and met with Independent Company officers Monday, May 1. After a good deal of discussion the “Council of War” voted its resolutions. They condemned Dunmore’s removal of gunpowder from the public’s magazine in Williamsburg and pledged their arms to protect the rights and property of Virginia. The resolution called for companies gathered in Fredericksburg to disband. Express riders carried the news to other counties and to tell still approaching independent companies they were no longer required. Though disbanded, several companies did not immediately return home. Rumors circulated that patriot leaders had been outlawed and a warrant issued for Randolph’s arrest. The companies offered their protection and escorted the Honourable Peyton Randolph and the other delegates to the Continental Congress in their overland trip through Virginia. With all the trappings of military pomp and circumstance, the companies processed with the delegates to Hoo’s

³⁰ Alexander Purdie broadside headed “Williamsburg, Saturday, April 29, 1775.”

Ferry on the Potomac. There, they entrusted Virginia's delegates to the care of Maryland independent companies who continued the escort.³¹

The Hanover Independent Company did not march to the Maryland border. There is some indication that at least some Hanover volunteers had marched to Fredericksburg. It seems likely that Patrick Henry was in Fredericksburg. Surely he would not have missed a gathering such as this. Apparently, though, they had returned to Hanover before Randolph arrived in Fredericksburg on May 1. After receiving Randolph's message, the Hanover company probably returned to their home county. On May 1, the Hanover volunteers held their own meeting at New Castle Tavern with the Hanover Committee of Safety. At this session Henry maintained that Randolph had chosen a conciliatory course that showed Virginians to be weak. Dunmore had placed Virginia in an untenable position and was getting away with it. Accounts suggest that there was "some disagreement among them." No doubt, Henry took the hard-line stance while moderate members of the committee and company urged caution, not wanting to undercut the position that Randolph and other moderate leaders had taken.³²

³¹ Force, *American Archives*, 4th Series, 2: 443; Richard Caswell to William Caswell, 11 May 1775, *Richard Caswell Papers*, North Carolina Department of Archives and History, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm M-37.

³² One of the riders who came to Williamsburg with Mann Page was a member of the Hanover company. Deposition taken by William Wirt from Nathaniel Pope, 23 June 1806, and Colo. Chas. Dabney's account of the Gun Powder Expedition made by Patrick Henry in 1775, *Patrick Henry Papers*, Library of Congress.

Finally the committee acquiesced. The committee appointed Henry captain of the independent company and gave permission to proceed with an expedition to Williamsburg. Henry detached sixteen men and placed them under the command of Colonel Parke Goodall. This group left Hanover with their orders sealed. After marching some distance, they opened and read orders. Henry's instructions called for this detachment to arrest Richard Corbin, the King's Receiver General, and conduct him to Doncastle's Ordinary, sixteen miles above Williamsburg. The detachment reached Corbin's house in the late evening of May 1 or early morning hours of May 2. Goodall deployed his men to surround the house and waited until daybreak. When the sun rose, Goodall knocked on the door of Corbin's home, but to his chagrin, the Receiver General was not there. Corbin was already in Williamsburg. Goodall and his sixteen men scampered to Doncastle's to report their unfortunate luck.³³

Goodall's detachment probably arrived at Doncastle's around sunset May 3. That same evening Carter Braxton, an influential planter and Richard Corbin's son-in-law, arrived to talk with Patrick Henry. Braxton had come to learn Henry's intentions. Dunmore also had news of the gathering in Fredericksburg and possibly of Henry's movements toward Williamsburg. In no uncertain terms, Dunmore had threatened retaliation. If the independent companies marched on Williamsburg, Dunmore would turn the Palace artillery on the city of Williamsburg. He also threatened to have British

³³ Nathaniel Pope deposition and Charles Dabney's Account.

naval ships bombard Yorktown. Braxton persuaded Henry to maintain his position at Doncastle's. Then Braxton acted as a go-between, negotiating a compromise.³⁴

On May 4 the various parties reached an agreement. Henry signed a receipt for a promissory note received from Richard Corbin. The independent company commander received the "330£, as a compensation for the gunpowder taken out of the publick magazine by the Governour's order." Henry promised "to convey" the note "to the Virginia delegates at the General Congress." Under the direction of these gentlemen the funds would be "laid out in gunpowder for the colony's use." The new powder would be "stored as they shall direct until the next Colony Convention, or General Assembly, unless it shall be necessary, in the meantime, to use the same in the defence of this colony." Victorious, Patrick Henry then set off to join his colleagues in Philadelphia for the Continental Congress. The Hanover company joined in the celebration and escorted their commander to the Maryland border.³⁵

As Henry and the other delegates traveled to Philadelphia, reaction to Henry's gunpowder expedition poured in. Orange County's Committee of Safety -- "having been full informed of your seasonable and spirited proceedings" -- cordially thanked Henry for this "testimony of your zeal for the honour and interest of your country."

³⁴ Nathaniel Pope deposition and Charles Dabney's Account; Noel Hume, *1775: Another Part of the Field* (New York: Alfred A. Knopf, 1966), 168-170; *Virginia Gazette* ed. Purdie, 12 May 1775, Supplement, 2.

³⁵ *Ibid.*

They called Dunmore's actions fraudulent and stated their opinion that the governor, "notwithstanding his assurances, had no intention to restore" the stolen powder. The Fincastle Committee declared that the "meritorious conduct of Patrick Henry, esq; and the rest of the gentlemen volunteers" of Hanover "justly merits the hearty approbation of this committee." They further declared their "assurance that we will, at the risk of our lives and fortunes, support and justify them with regard to the reprisal they made." Henry basked in the glory thinking himself and "the Volunteers of Hanover peculiarly happy to find, that the Reprizal we have made" meeting with such general "Approbation." The testimonials that poured in confirmed "that nothing called us forth upon that Occasion, but Zeal for the public Good."³⁶

Not all the reaction supported Henry. The march of the Hanover Independent Company was an irrevocable step. Armed men had extracted a concession from the King's representative. It was clearly an act of armed and open rebellion. In the *Virginia Gazette*, one writer calling himself "A True Patriot" declared that Henry's actions could "have been precipitated into acts as pernicious in their consequences as they were intended to be salutary." In this time of danger Virginia required actions that demonstrated "more prudence and circumspection." Edmund Pendleton writing home to Caroline County noted the "Variety of Opinions" on Henry's expedition. He felt the

³⁶ *Virginia Gazette*, ed. Purdie, 19 May 1775, Supplement, 3; and 4 August 1775, Supplement, 4; *Papers of James Madison*, 1: 147fn.

“dissentions, very injurious to the common cause.” It was not a time to debate whether “Mr. Henry’s Manoeuvre” was correct or not. Every Virginian – even “tho’ they disapproved the Measure” – should take “the right method” and commend “the Zeal and good intention of the Party.”³⁷

Thus far Virginia had survived the events without bloodshed, but tensions were increasing daily. Shocked by Henry’s march on Williamsburg, Lord Dunmore assembled a force to protect him in his Williamsburg residence. Forty marines from the Man of War *Fowey* lying off Yorktown marched into the city and turned the Governor’s Palace into an armed camp. Citizens of Williamsburg feared that Dunmore would raid the remaining stores in the city’s armory. On May 6, several entered the Magazine, took guns and other equipment, and stored them around the town away from the probing eyes of the military. Dunmore ordered “a diligent search” but was unable to locate the stolen arms. He then ordered some extraordinary methods for insuring the security of the public magazine.³⁸

A group of young men in Williamsburg, mostly apprentices and journeymen, had formed their own military company. They referred to themselves simply as the Boys Company. Most, however, did not own a gun, or have the price of one. They

³⁷ *Virginia Gazette*, Pinkney ed. 11 May 1775, 2; Edmund Pendleton to William Woodford, 30 May 1775 and 14 June 1775, *Pendleton Papers*, 1: 103-104, 109.

³⁸ Lord Dunmore to the Earl of Dartmouth, 25 June 1775, PRO CO 5/1353 ff160-172; *Virginia Gazette*, ed. Dixon and Hunter, 6 May 1775, 3.

conspired to arm themselves. On the night of June 3, the boys broke into the Magazine, but when they cracked the front door a shot rang out through the city. Dunmore's marines had mounted two spring guns just inside the door rigged to trip wires. Only one gun fired, but it did enough damage. The blast wounded three of the boys. Citizens of Williamsburg, outraged not by the criminal intent of the boys, deplored the way in which Dunmore had booby-trapped the Magazine. "Had any person lost his life, the perpetrator or perpetrators, of this diabolical invention, might have been justly branded with the opprobrious title of MURDERERS." The next day, several citizens, in broad daylight, forced open the Magazine doors and carried off about four hundred stand of arms.³⁹

Most of the weapons carried off that day were "blue painted stock guns, kept for the purpose of distributions among the Indians." As the crowd emptied the Magazine, several members of the House of Burgesses stood by and watched. They later informed Dunmore that they implored the crowd to return the materials and go home, but it seems these were only words to appease the Governor. Most likely, they stood by encouraging the crowd and lent some legitimacy to the gathering. On Tuesday, June 6, the House ordered James Innes, Captain of the Williamsburg

³⁹ Deposition of Robert Greenhow, in The Bounty Warrant of Henry Nicholson (cornet), 1834 file, box 111, folder 35, Virginia State Library; *Virginia Gazette*, ed. Purdie, 9 June 1775, Supplement, 2; Lord Dunmore to the Earl of Dartmouth, 25 June 1775, PRO CO 5/1353, ff160-172.

Independent Company, to place his men on guard duty around the building. Tensions heightened again with the rumor that Dunmore had installed a subterranean fuse from the Palace to the Magazine. The fuse would set off several barrels of powder Dunmore had supposedly ordered buried in the Magazine yard to “blow up” the city.⁴⁰

Tensions increased with the activity of the various independent companies. Throughout Virginia, county committees and independent companies announced their willingness to assist Williamsburg. It kept alive the possibility that armed troops would march on the city and threaten Dunmore. The Williamsburg Independent Company thanked the “Gentlemen Freeholders and Volunteers who so generously offered their assistance to the City of Williamsburg.” The greatest fear was that Dunmore would land troops from Royal Navy ships in the Chesapeake to march on the capital. In Williamsburg the military company pledged to keep a diligent watch. “The landing of any foreign troops” would be “a most dangerous attack on the liberties of this country.” Williamsburg took “the most watchful eye on any movement from this quarter.” If Dunmore’s troops marched on the city, they would call on other independent companies for assistance knowing that “an unanimity of sentiment to prevail throughout this country.” They pledged that “with the aid and assistance of

⁴⁰ Lord Dunmore to the Earl Dartmouth, 25 June 1775; Deposition of Robert Greenhow; *Journal of the House of Burgesses of Virginia, 1773-1775*, 193 and 198; *Virginia Gazette*, ed. Pinkney, 8 June 1775, 2.

their fellow subjects” Williamsburg would “resist all such arbitrary measures, at the expence of life and fortune.”⁴¹

It was now more important than ever to demonstrate visible support for the patriot cause. Gentry leaders who did not conform faced attack. Attorney General John Randolph had always expressed the moderate stand of British patriot. In July 1774, when loyal opinions could still be freely expressed, Randolph openly published his “A Plea for Moderation by the King’s Attorney General.” A year later one of the Surrey County Volunteers denounced him. “The too contemptible appearance you have hitherto cut is the only reason that your name has not been branded with ignominy before, and your person exhibited on the public theatre as a spectacle of reproach.” The volunteer advised, “abscond yourself, push for some remote corner of the globe.” If the “Surrey Volunteer” was a gentleman, he played the role of a common man, a common foot soldier in the Surrey County Company. Fithian, traveling in western Virginia, described the ideal of the American common man resisting British authority. “Every Presence” was “warlike, every Sound is martial: Drums beating, Fifes and Bag-Pipes playing, & only sonorous & heroic tunes – Every Man has a hunting-Shirt, .

⁴¹ *Virginia Gazette*, ed. Purdie, 12 May 1775, supplement, 2; and 26 May 1775, 3.

. . Almost all have a Cockade, & Bucks-Tale in their Hats, to represent that they are hardy, resolute, and invincible Natives of the Woods of America.”⁴²

The martial spirit heightened excitement in the countryside and strengthened popular participation in the patriot movement. Since the Fredericksburg gathering in April, the movement had developed distinctive symbols. It was the companies from western counties that captured the popular imagination. Their coarse osnabrig hunting shirts, not the blue turned up regimental coats of the Fairfax Company, symbolized Virginia’s struggle. This simple, functional, and distinctive American form of dress eschewed British textiles and fashion. The simple adornment of buck’s tail substituted for gold buttons and braids of European armies. Weapons of the western companies – tomahawks and rifles – were the armaments of native Americans and the Indian wars. It was the “shirtmen,” not the gentlemen burgesses, who captured the popular imagination and the demonstration of patriotism required that acknowledgment. When an anonymous patriot recommended that burgesses adopt the dress of shirtmen they did. Dunmore reported members of the House of Burgesses wearing shirts “of Coarse linnen or Canvass over their Cloaths and a Tomahawk by their Sides.”⁴³

⁴² Philip Vickers Fithian, *Philip Vickers Fithian; Journal, 1775-1776. Written on the Virginia Pennsylvania Frontier and in the Army Around New York* (Princeton: Princeton University Press, 1934), 24-25.

⁴³ Rhys Isaac, “Dramatizing the Ideology of Revolution: Popular Mobilization in Virginia, 1774 to 1776,” *William and Mary Quarterly*, 3rd series, 33 (July, 1976): 381-384. Lord Dunmore to the Earl of Dartmouth, 25 June 1775, PRO CO 5/1353 ff. 160-

In Albemarle, the Independent Company met after receiving advice to disband following the gunpowder incident. Despite this advice from Peyton Randolph, Washington, Jefferson and others members were still “at a loss what to do.” As the Company met and debated their next action they decided to march to Williamsburg despite the instructions and advice of Virginia’s leadership. Two of the more prominent community members were also members of the Independent Company and Committee members. John Coles and David Rodes predictably, sided with the advice offered the Company by Randolph, Washington and Jefferson and voted against a march to Williamsburg. The Company censured them and determined “that they ought to be drum’d out of the company, as an example of that kind, from people of such conspicuous character in the County, might be of dangerous consequence.” The county committee later exonerated the two men, but clearly the democracy of the military company had paid little attention to the social and political position of Coles and Rodes.⁴⁴ That summer American patriot fervor took hold amongst the populace of Virginia. The local committee of safety and independent company became the primary expressions of that zeal. As many discovered that summer an attack on these extra-legal institutions produced swift retaliation.

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⁴⁴ McDonnell, “Loaded Guns and Imprudent Expressions,” 10. McDonnell notes that Coles owned 5000 acres in the county and 64 slaves. Rodes was a little less affluent: 586 acres and 22 slaves.

In July 1775, an Accomack County merchant by the name of John Sharlock stretched the Committee of Safety's patience. Repeatedly, Sharlock railed "in the most daring and insulting manner against the good people who have proved themselves by their behavior, friends to the American liberty." Sharlock openly declared that those against "the present ministerial measures, respecting America, are rebels." He also offered his services as hangman for these rebels declaring that "if no hemp could be had I had flax enough." The Association was a form of "bondage" and Sharlock refused to subscribe. Nor was he fond of the Independent Company. The military company was nothing more than "an unlawful mob."

The Accomack Committee of Safety summoned Sharlock to explain himself, but he refused to attend. Instead, he "wrote them an abusive, insulting letter." Enraged, the Committee of Safety proceeded against Sharlock "agreeable to the rules of the association." The committee called on the local Independent Company who, that night, marched on Sharlock's house. When he saw them coming, Sharlock barricaded himself in an upper room in his house "with two loaded guns." He apparently thought better of this, however, and eventually agreed to go with the Independent Company to Accomack Courthouse.

At the courthouse the Committee of Safety conducted "a solemn trial" and found him guilty of opposing the Association and speaking against American liberty. They carried the condemned man to the liberty pole. There he recited a recantation,

most likely prepared for him by the Committee. Sharlock disavowed his “idle and foolish words” and declared his “most unfeigned sorrow.” Formally, and “in the most humble manner,” Sharlock asked “the pardon of the said Independent Company” by offering a personal apology to each individual member in turn. He then declared, “I look upon the said Company as a very respectful body of men.” Sharlock “heartily” wished “success to this my native country in her present honest struggle for liberty with the mother county.” Sharlock testified that he made this “acknowledgement and confession . . . freely and voluntarily.” No doubt the appearance of the armed Independent Company at his house assisted Sharlock in his “calm reflection” and recantation that evening.⁴⁵

It was possible, with luck and diplomacy, to fend off the local committee. John Hook, New London merchant, found himself the center of investigation in June of 1775. The Bedford County Committee of Safety had heard charges leveled against Hook by Charles Lynch who reported a conversation in which Hook spoke against the American cause. He alleged that Hook said, “there never will be peace till Americans get well flogged.” The merchant also stood accused of circulating pamphlets opposing the American cause. Hook received a copy of the testimony, the name of his accuser, and a summons to appear before the Committee. Instead of turning up in person, Hook delivered a letter defending himself. He claimed that the purported statements were

⁴⁵ *Virginia Gazette*, ed. Pinkney, 20 July 1775, 1-2.

taken out of context and misquoted. Hook admitted owning pamphlets that criticized the American cause. He insisted, however, that these were only part of a larger collection that also included pamphlets in support of American liberties. According to the merchant, he purchased the collection to better inform himself on all sides of the issues. The pamphlet collection accompanied the letter with Hook's permission for the committee to dispose of the writings however they saw fit. Apparently his defense satisfied the committee. There is no record of other proceedings against Hook.⁴⁶

Committeemen and enforcers dedicated themselves to unifying the populace. They exacted American patriotism with rhetoric, with action and with coercion. These were not, however, the heady days of Stamp Act protest requiring only a burning effigy and theatrical rhetoric. Military danger – the very existence of their lives and property – hung in the balance and Virginia stood yet unprepared to meet the arduous path ahead.

⁴⁶ Proceedings of the Committee of Safety of Bedford County, 20 June 1775, and John Hook to the Committee of Safety of Bedford County, June, 1775, *The John Hook Papers 1771-1784*, Duke University Library, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm M-36.3.

CHAPTER XI

DUNMORE AND LIBERTY

In July 1775, Robert Beverley reported a new kind of tyranny in Virginia. It was the “Vengeance or Persecution” by the “Majority.” In years before, Beverley remembered a free and open discussion and exchange of ideas. Now even close friends turned on each other with angry accusations. These were “tumultuous Times.” Military affairs and politics seemed to consume all the time and energy of citizens. James Innes, Captain of the Williamsburg Independent Company, was also head usher of the Grammar School at the College. In May, the President and Professors reprimanded Innes, observing “that the Office of teacher in the Grammar School is intirely incompatible with any kind of Office or Employment in any military Society.” Undaunted by the censure, Innes continued serving in the elected office of Captain. Later in the year the President and Professors removed him from his position at the College. One member of the College’s faculty, the Reverend Thomas Gwatkin, was asked to lend his articulate pen to the cause. Richard Henry Lee and Thomas Jefferson invited him to write a defense of the Continental Congress. When Gwatkin refused “a

gang of armed men came to the College intent on forcing him to change his mind.” It seems likely that James Innes was among the gang.¹

Nor was the fever restricted to Williamsburg. In Stephensburg residents labeled one reluctant volunteer a “Shipe” when he failed to appear for the regular drills ordered by the independent company. His commander sent a detail of men to fetch him. The slacker “made some Resistance but was compelled at length.” It seems that the company was none too gentle with him. After the incident he was “in great Fear, & very humble.” He heard “many of his Townsmen talking of Tar & Feathers.” Musters provided every member of the community with an opportunity to demonstrate patriotic resolve and a connection with the community. These were truly community occasions. When the Caroline County Company assembled “at the Bowling Green in that county,” fifteen hundred spectators came to watch the military men go “through the manuel exercise, with a great variety of new and useful evolutions.” Neighbors’ attendance at the spectacle was a measure of their support and encouragement and a measure of the community’s patriotism.²

¹ Robert M. Calhoon, ed., “‘A Sorrowful Spectator of These Tumultuous Times’: Robert Beverley Describes the Coming of the Revolution,” *Virginia Magazine of History and Biography* 73 (1965): 47 and 54; *William and Mary Faculty Minutes 1729-1784*, Earl Greg Swem Library. See also Jane Carson, “The Fat Major of the F.H.C.,” *The Old Dominion*, ed. Darrett B. Rutman, 79-95; Kelly, “White Loyalists,” 4-5; “Thomas Gwakin, Memorial,” PRO AO 12/54.

²Fithian, *Journal 1775-1776*, 25; Mays, *Pendleton*, 2: 36; *Virginia Gazette*, ed. Purdie 11 August 1775.

Peyton Randolph returned from Philadelphia at the end of May 1775. A mounted detachment of the city's Independent Company met him at Ruffin's Ferry on May 29. Randolph had left Williamsburg as a moderate patriot seeking compromise and counseling restraint. He returned, President of the Continental Congress. Randolph arrived in the city on May 30. A contingent of infantry joined the cavalry escort about two miles outside town. At sunset the parade reached the outskirts of town and proceeded to Randolph's home on the Market Square, not more than a block from Dunmore's Palace. Bells rang throughout the city in salute to the returning President. Citizens illuminated the city in celebration. After delivering Randolph to his home, the volunteers moved down the street to the Raleigh Tavern. "With many other respectable Gentlemen," the company "spent an hour or two in harmony and cheerfulness, and drank several patriotic toasts." Dunmore scoffed at "This pompous military exhibition in the face and in defiance of Government, which in this manner is entirely eclipsed." The entire pageant "was calculated to raise the importance of the members of this new Created Power, the Congress, before the People; and served likewise to stir up afresh the Spirit of tumult and disorder by which it thrives."³

In the midst of all this disorder, John, Earl of Dunmore, his Majesty's Lieutenant and Governor General of the Colony and Dominion of Virginia, attempted to maintain civil authority. On May 6, his proclamation against Patrick Henry decried

³ *Virginia Gazette*, ed. Dixon and Hunter, 3 June 1775, 3; Dunmore to Dartmouth, 25 June 1775, PRO CO 5/1353 ff160-172.

the “outrageous and rebellious Practices.” He declared that “it undeniably appears, that there is no longer the least Security for the Life or Property of any Man.” He strictly charged Virginians “not to aid, abet, or give Countenance to the said Patrick Henry,” and demanded “Vengeance of offended Majesty and the insulted Laws, to be exerted here, to vindicate the constitutional Authority of Government.” But British Royal authority no longer held force in Virginia. With Lord North’s proposals for conciliation in hand, Dunmore called the House of Burgesses to meet on June 1. Three days after the session began the Boy’s Company raided the Magazine. The exchange between Governor and Assembly was not conciliatory. On June 5, Burgesses unanimously approved their work as the Second Virginia Convention. That, of course, included the resolutions for military preparedness. In the midst of all this hostility, Dunmore walked alone to Attorney General John Randolph’s residence on the evening of June 7. Randolph was one of Dunmore’s few remaining loyal councilmen. No doubt, at that meeting the Governor decided that maintaining his Majesty’s government at the Capitol City was impossible. At two the next morning, June 8, Dunmore left Williamsburg.⁴

It was June 10 that the Assembly adopted Jefferson’s resolution rejecting Lord North’s reconciliation proposals. On June 21 the Governor’s Council and House of Burgesses jointly sent an address to Dunmore who had taken up residence on board

⁴ *Virginia Gazette*, ed. Dixon and Hunter, 13 May 1775; Van Schreeven, *Revolutionary Virginia*, 3: 16-17.

ship in Virginia waters. They rebuked him for abandoning the government of Virginia and requested his return to Williamsburg. Dunmore was unlikely to acquiesce. In fact, Dunmore was assembling the naval military resources available to him in the Chesapeake. Tensions reached the point where military retaliation from Dunmore seemed likely and Williamsburg residents expressed concern. On June 23, Peyton Randolph convened “a very full meeting of the inhabitants of” Williamsburg at the courthouse. They established a plan for “stationing a number of men here for the publick safety” and “nightly watches, to guard against any surprise from our enemies.” They also agreed “to invite down, from a number of counties to the amount of 250 men,” the independent companies of Virginia. The city prepared for war.⁵

On June 24, a group led by Theodorick Bland broke into the unoccupied Governor’s Palace. Among the raiders were James Monroe, Benjamin Harrison, Jr., and George Nicholas (the Treasurer’s son). The hall contained swords, muskets, and pistols, arranged on the walls in a display calculated to convey the majesty and power of Royal governance. The men stripped the building of weapons and transported them to the Magazine. There, Bland issued weapons to Williamsburg residents yet unarmed.⁶

⁵ *Virginia Gazette*, ed. Purdie, 30 June 1775, Supplement.

⁶ James Parker to Charles Steuart, 24 June 1775, Steuart Papers; *Bland Papers*, 1: xxiii.

Volunteers flooded into the city. By the end of June new groups of armed men arrived daily. Caroline, Goochland, Louisa, Spotsylvania, King George and Stafford county volunteers probably arrived in Williamsburg during late June and early July. As July progressed, companies arrived in a steady stream. The Albemarle Independent Company arrived on July 13. By July 19, the Henrico, Prince George, and King William Companies marched into town. Seven days later the Southampton and Charles City Independent Companies arrived. By the end of the month, as many as fifteen companies camped in town. In June, George Washington informed the volunteer companies that he had accepted the position of Commander in Chief of the Continental Army. He resigned his command of Virginia's independent companies. On July 14, the companies elected Captain Charles Scott of Caroline their new Commander in Chief.⁷

The fifteen companies, however, did not represent a large military force. At the end of July there were only about two hundred and fifty men camped in Williamsburg. Many had marched to Williamsburg with only a few men. Lieutenant George Gilmer left Albemarle, for example, with only twenty-seven volunteers. But two hundred men could create quite a commotion in the small town of Williamsburg. The democratic

⁷ Dunmore to Dartmouth, 25 June 1775, PRO CO 5/1353 ff160-172; *Virginia Gazette*, ed. Purdie, 14 July 1775, Supplement, 2; *Virginia Gazette*, ed. Pinkney, 27 July 1775, 3; Address of Lieut. Geo. Gilmer at the Muster of Albemarle County, June 17, 1775, and To the Committee of Safety of Norfolk from the Officers of the Independent Companies in Williamsburg, Gilmer, "Papers," 89 and 92; To the Captains of the Several Independent Companies in Virginia, *Writings of Washington* 3: 298.

organization of these military units had little that resembled effective military discipline. Voting before each decision made officers ineffective and enlisted men insubordinate. Enlisted men and officers alike absented themselves as often as they liked for frequent trips to taverns. Disorder was the order of the day. Commander in Chief Scott reportedly feared offending his fellow officers and soldiers, who were after all, the constituents of his elected position. "We appear rather invited to feast than fight," Gilmer observed. The taverns of "Anderson and Southall's entertain elegantly, the first in the best manner by far."⁸

On July 18, the officers met in an attempt to impose rules for more stringent discipline. The officers were only able to vote token punishments, however, for some of the most basic military infractions. For deserting one's post, soldiers received a reprimand from the company officer on the first offense. On the second offense the Commander in Chief reprimanded the soldier in the presence of the assembled companies. The third offense required the soldier's expulsion from companies. These raw, undisciplined soldiers were constantly firing off their weapons for no apparent reason. The result was confusion among unseasoned soldiers fearful of an attack from Dunmore's marines and the waste of precious powder. For the unauthorized firing of a

⁸ George Gilmer to Thomas Jefferson, 26 or 27 July 1775, *Jefferson Papers*, 1: 236-237.

weapon, the officers voted the punishment of two hours' confinement without food or drink.⁹

The companies spent too much time fighting off the boredom of garrison duty in Williamsburg. They needed a project, something to occupy their time and benefit the country. George Gilmer proposed a plan of action. Companies met and resolved to collect all the King's money they could lay their hands on. It was an action to ensure the funds would stay in the colony. Beginning July 13, officers with detachments of men deployed throughout the colony. They tracked down everyone they could find holding a commission from the King. From each individual they collected public monies or extracted an oath from the individual that they would not disburse any funds without the consent of the Virginia Convention.¹⁰

The volunteer soldiers had also forgotten to get the Convention's permission. Virginia now needed to act in a series of coordinated movements. With Dunmore maneuvering a small fleet in Virginia waters, defensive efforts had to be coordinated. Politicians consolidated their positions. It was no longer a matter of philosophical debate between radical and conservative positions. The colony was for all intents and purposes in open rebellion. Volunteer companies acted as a wild card. In their quest for productive work, the independent companies were moving across the countryside

⁹ Resolutions adopted by the Officers at Williamsburg, 18 July 1775, Gilmer, "Papers," 92-93.

¹⁰ Gilmer to Jefferson 26 or 27 July 1775, *Jefferson Papers*, 1:236-237; Gilmer, "Papers," 100.

harassing colonial officials, many of whom had already pledged loyalty to Virginia.

Even when they came across a loyalist, they were apparently not that effective.

“Valiant Volunteers” threatened William Byrd III more than once, but negotiating with “two of their Chiefs, convinced me I had no thing to fear.” The Convention gave the companies a gentle reminder that they were subordinate to civil authority. According to Wormeley Carter the Convention did not censure the companies because, though upset by the companies’ actions, “we believed they acted from good motives.”¹¹

Some members of the Independent Companies in Williamsburg knew they needed strong direction and leadership. They requested the Convention lay down guidelines for their conduct and provide them with a clear mission to accomplish. The Convention responded with resolutions applauding the “zeal of the gentlemen volunteers in the city of *Williamsburg*.” They recommended that the companies “keep themselves on the defensive exerting their utmost endeavours and vigilance to discover and defeat any hostile attempts of the enemies of this country.” It seems the Convention did not hold enough confidence in the ability of the companies to give them a specific task. It was an impression, no doubt, encouraged by stories of poor

¹¹*Proceedings of the Convention of Delegates for the Counties and Corporations in the Colony of Virginia, Held at Richmond Town, in the County of Henrico, On Monday the 17th of July 1775* (Re-printed by a Resolution of the House of Delegates, Richmond: Ritchie, Trueheart and Du-val, 1816), 92-93; R. Wormeley Carter to Landon Carter, 24 July 1775, *Carter Family Papers*; William Byrd to Ralph Wormeley, 4 October 1775, *Ralph Wormeley Papers*, Alderman Library, University of Virginia, Colonial Williamsburg Foundation John D. Rockefeller, Jr. Library, Special Collections, Microfilm M-62.1.

discipline, experimentation with making gunpowder, and anecdotes of men like Emanuel Jones who kept three loaded guns by him as he slept.¹²

In early August the companies discovered a ship in Hampton Roads prepared to leave the country loaded with bread and flour. Certain that the ship's captain was violating the Association, armed volunteers boarded the vessel. An indignant captain tried explaining that the nonexportation act passed by the Convention – the act the volunteers were attempting to enforce – had been rescinded. Nevertheless, the independent companies held the ship and sent a message to the Convention meeting in Richmond. The Convention replied, commending the zeal of the volunteers. Unfortunately though, the ship's captain was correct. The nonexportation act was no longer in force. Again the independent companies had shown themselves maverick agents.¹³

On August 19, the Convention passed a bill designed to provide for the adequate defense and protection of Virginia. It raised two regular regiments to train as professional soldiers and divided Virginia into military districts. They authorized raising in each district minutemen companies, elite militia units. Officers for these units received their commission by convention authorities. There would be no more officers elected by the unit members. Other district men were eligible for militia

¹² "Gilmer to Jefferson, 26 or 27 July 1775, 1775," *Papers of Jefferson*, 1: 236-238; *Proceedings of the Convention . . . July 1775*, 11.

¹³ *Proceedings of the Convention . . . July 1775*, 13-14.

duties. Delegates disbanded the independent companies. The volunteers served a strong purpose when the revolution was a local movement and strong local enforcement kept individuals in line. Supporting the Association and presenting a consolidated front were important and independent companies served that capacity well. But now, the volunteers were a liability. Virginia required an effective military. The Convention paid the companies in Williamsburg for their service and sent the volunteers home.¹⁴

It seemed to many of the independent volunteers that the Convention was stepping back from the democratic principles that gentlemen had preached in the spring when they needed the support of neighborhood freeholders. Volunteers still remembered George Mason's exhortation of the Fairfax Company, "We came equals into this world, and equals shall we go out of it." They recalled the way George Gilmer adopted common man themes and declared, "you behold me before you with my Tomahawk girt about me . . . give me liberty now." Now, having gleaned freeholders' support it seemed that the gentlemen of the Convention were, once again, establishing their firm control over Virginia's government and removing the democratic principles freeholders had enjoyed. It was particularly evident in the new defense provision exempting overseers of four or more adult slaves from military service. First, it was an exemption that insured larger planters could maintain their overseers and operate their farms profitably. While the smallest farmers served in the ranks their

¹⁴ *Proceedings of the Convention . . . July 1775*, 20; Hening, *Statutes*, 9: 22, 24, 70-71; Dale E. Benson, "Wealth and Power in Virginia, 1774-1776: A Study of the Organization of Revolt" (Ph.D. Thesis, University of Maine, 1970), 282-316.

crops would go to waste. Even more disturbing, the law liberally applied, could exempt every gentleman who owned more than four slaves.¹⁵

With the Independent Companies disbanded, Gilmer found their dissolution created morale problems in Albemarle County. Once again, he went to the stump persuading freeholders to support the actions of Virginia's Third Convention. "It is impossible for any . . . collective body of men to give universall satisfaction." But, he argued, "The Minute plan proposed should be executed with all expedition for the immediate advantage and safety of the State." Though some freeholders in the county grumbled, this was not an attempt by gentlemen to reassert their position. "Did we not all indiscrimintely mix together as volunteers; was there ever any partiality or distinction shewn?" Gilmer appealed to a new republican spirit. Just as they had participated in the volunteer company, he asked freeholders to "Remember the convention is the . . . voice of the people." The voice of citizens would still be heard, "and if your delegates should proceed in a manner that you think unjustifiable, take care to elect better men."¹⁶

¹⁵ Rhys Isaac, "Dramatizing the Ideology of Revolution," 357-385, is an excellent summary of revolutionary rhetoric and action during this period and the way in which it spawned new republican ideals.

"Remarks on Annual Elections for the Fairfax Independent Company," [ca. 17-26 April 1775], *Papers of George Mason*, 229; Address of Lieut. Geo. Gilmer to the First Independent Company of Albemarle County, [March-April 1775], Gilmer, "Papers," 79; *Proceedings of the Convention . . . July 1775*, 20.

¹⁶ Address of George Gilmer to the Inhabitants of Albemarle, Gilmer, "Papers," 122.

The past year had fundamentally changed freeholders and their perception of leaders. Rhetoric of equality and democratic principles was now an important part of political expectation. Exempting gentlemen and their overseers from military service because wealth permitted them to own slaves was not acceptable. It violated the acumen of Virginia freeholders and they responded over the next several months by lobbying their delegates. The inhabitants of Lunenburg County summarized sentiment in their petition. Delegates placed an undue burden on “poor men with Families.” Undoubtedly, these men would leave their farms to serve and on returning “find our wives & Children dispers’d up & down the Country abegging, or at home aSlaving” while “Overseers are aliving in ease & Affluence.” They requested the repeal or amendment of the law so that all “may be Obliged to bear Arms, and no ways Secur’d from being drafted as Soldiers.” The Convention modified Virginia’s military laws in response to the criticism from their constituents.¹⁷

Military service was not the only concession delegates made to constituents during this year long period following the summer of 1775. The evangelical movement too had provided an important impetus for the revolt against Britain’s imperial government. Baptist itinerants in the countryside cultivated a new leadership style

¹⁷ “Petition of Inhabitants of Lunenburg County,” Van Schreeven, *Revolutionary Virginia*, 6: 474-475; Allan Kulikoff, “The Revolution, Capitalism, and Formation of Yeoman Classes,” *Beyond the American Revolution*, 81-82. See also Ruth Bogin, “Petitioning and the New Moral Economy of Post-Revolutionary America,” *William and Mary Quarterly*, 45 (July 1988): 391-425. Bogin notes a distinct change in freeholder petitions during the Revolution. Increasingly, petitioners employed new republican language representing a distinctive change in their status as “subjects.”

gathering communities in non-traditional ways and introducing them to a charismatic style. Throughout 1774 and 1775 that charismatic style increasingly made inroads into Virginia's political culture and constituents responded. As Convention delegates struggled to establish order in the wake created by collapsing Royal authority, evangelicals pushed their case to the forefront. Though the question of an established church would not be finally solved until the Constitutional debates of 1786, George Mason's declaration of rights adopted by the Convention in 1776 provided for "free exercise of religion." Defining the exact terms of that "right" became important when Baptists confronted delegates with the "Ten Thousand Name petition." Evangelicals used this occasion in 1776 to make clear that their support in the political and military revolution was contingent on gaining recognition from Virginia's leaders. Here again, delegates responded with legislation that affirmed the principle of toleration and exempted, for the first time, dissenters from contributing to the support of the Virginia Anglican church¹⁸

This new relationship between gentry leaders and freeholder constituents remained strong in one other important instance. Implementation of the Continental Association had been successful largely because of county committee oversight, the

¹⁸ J. Stephen Kroll-Smith, "Transmitting a Revival Culture," 551-568. For an excellent analysis of Patrick Henry's rhetoric and its relation to the evangelical movement see Sandra M. Gustafson, "Speech, Writing, and the Public Sphere in Revolutionary America," (Paper presented to the Institute of Early American History and Culture, April 1996), 22-33; Beeman, *Evolution of the Southern Backcountry*, 140-145; Isaac, *Transformation*, 278-282.

enforcement of military companies, and the information supplied by county inhabitants. The regulation of merchant activity was relentless and extremely effective. Merchants, especially factors, were labeled suspect and their every activity scrutinized. This intense examination of merchant activity focused the spotlight on Scottish factors. The gentry's consignment merchants were far removed for the most part and unapproachable. Scottish factors, though, lived in the countryside as part of these neighborhoods. They had extended credit to planters of every social rank and now became the target for patriots. One committee member in Lunenburg County declared he presumed every Scot disloyal to Virginia's cause. His heritage was "proof enough."¹⁹

As Royal governance collapsed in Virginia, the Assembly addressed Dunmore several times asking that he return to Williamsburg and resume his post at the head of government. The colony, however, was in rebellion and Dunmore refused to leave the safety of the small British fleet he assembled in Chesapeake waters. By the end of June, Dunmore's Lady and children were on their way back to England. Others deserted the rebellious colony. The Reverends Samuel Henley and Thomas Gwatkin left their posts at the College. Attorney General John Randolph with his wife and daughter left their home in Williamsburg. His brother Peyton Randolph and son Edmund Randolph remained in America, allies of the patriot cause. Dunmore remained

¹⁹ Ragsdale, *Planter's Republic*, 249-252; Beeman, *Evolution of the Southern Backcountry*, 127-128; Keith Mason, "A Loyalist's Journey," 161-166; Karras, *Sojourners in the Sun*, 199-210.

too, with the hopes of exercising two advantages and reassuming his control over the Colony. First, he looked to the West and his agent in the West Augusta District, John Connolly. Second, he began soliciting the support of Virginia's slave population.²⁰

Dunmore's western agent John Connolly was abducted in June 1775. Connolly had arranged a meeting with leaders of the Six Nations for Thursday, June 22. Indian representatives arrived at the appointed time, but found that Connolly was not there. Interestingly, it was not Virginia patriots, but Pennsylvania partisans who laid their hands on Connolly. It was a legacy of the continuing dispute between Dunmore and the Pennsylvania Governor, John Penn, over rights to the Ohio country. Connolly's Virginia supporters managed after several days to rescue Connolly. For several days he met with the six nations at Fort Dunmore (formerly Fort Pitt) and reached an agreement maintaining their loyalty to Lord Dunmore. Connolly never bothered to inform the Indians that there was any tension between Dunmore and Virginia patriots. It was not until James Wood – delegate and appointed agent for the Virginia Convention – arrived on July 9 that the tribes began to understand the situation. Wood acquainted the Indians “with the disputes subsisting between Lord Dunmore and the People of Virginia.” He began arranging for chiefs to travel with him “to Williamsburg” and meet with “the Assembly.” The response was “very thankful” and representatives from the six tribes seemed “satisfied with the promise I made.” Meanwhile, Connolly made his way to Norfolk. There, he plotted with Dunmore to

²⁰ Holton, “Rebel Against Rebel,” 175-178.

lead an expedition in the Ohio rallying Native Americans and loyal frontiersmen in a campaign that would meet Dunmore on the Potomac River. Connolly was never able to launch his attack. Virginians captured Fort Dunmore and secured their relations with the tribes. Patriots uncovered the plot though, and Dunmore stood accused by patriots of raising the Indian enemy against them on the western frontier.²¹

Raising the external enemy on Virginia's western border severely damaged Dunmore's reputation in the eyes of many Virginians. His threat to arm Virginia's slaves, though, alarmed every white resident of the colony. As early as May 1, 1775, Dunmore planned "to arm all my own Negroes and receive all others that will come to me who I shall declare free." The Governor had no doubt this measure would "reduce the refractory people of this colony to obedience." He understood that "My declaration . . . has stirred up fears in them which cannot easily subside." The Governor was certain that emancipating the slaves of patriots would drive Virginia into retreat. It would strike fear in the hearts of gentry. Middling and "lower class" Virginians would "discover that they have been duped by the richer sort" when slaves rose in revolt. By creating a situation in which Virginians polarized into their various status groups, Dunmore could take the military advantage and subdue the patriotic revolt. Instead, Dunmore's proclamation drew Virginians together. Fear of slave revolt was something

²¹ Van Schreeven, *Revolutionary Virginia*, 3: 214-275 presents a series of documents relating to Virginia's western affairs and the Connolly incident. In particular see the excerpts from James Wood's Journal, 2: 270-275. See also Selby, *Revolution in Virginia*, 56-58.

that all white Virginians held in common. Instead of fracturing Virginia society, Dunmore solidified it in political rebellion.²²

By early fall Dunmore based his operations out of the Norfolk and Portsmouth area. Despite volatile opposition to the Stamp Act displayed by Norfolk patriots ten years before, the merchants of this area were unprepared for a break with the British mercantile system. With armed conflict at hand, Norfolk became the seat of loyalism. From his base Dunmore conducted a series of successful, though limited military actions against the inexperienced Virginia forces.

In September, Dunmore raided Norfolk and commandeered a printing press. Cheering slaves joined the troops. Blacks increasingly rallied to Dunmore over the next several months. As the Governor conducted small raids in the vicinity of Norfolk he seized property, "particularly slaves, who are detained from the owners." Dunmore was convinced that as Negroes flocked "in from all quarters" rebels would "disperse to take care of their families and their property." Dunmore consciously encouraged that fear of slave insurrection.²³

In November, a small group of Virginia militiamen drew themselves up on a field at Kemps Landing near Norfolk. Militiamen intended to stop Dunmore's small

²² Dunmore to Dartmouth, 24 December 1774, PRO, CO 5/1373, fols. 43-44; Dunmore to Dartmouth, 1 May 1775 PRO CO 5/1373; Dunmore to Secretary of State, 25 June 1775, PRO CO 5/1353; Holton, "Rebel Against Rebel," 157-192.

²³ *Morning Chronicle and London Advertiser*, 22 December 1775; *Virginia Gazette*, ed. Purdie, 26 January 1776.

army, but “when they saw the British coming with colors flying, arms shining, and drums beating, they all took to their heels and ran away as fast as their horses and legs could carry them.” Not long after Dunmore’s victory, Helen Read found “an ugly looking negro man, dressed up in a full suit of British regimentals” at her front door. The soldier demanded “with a saucy tone” for her to give up the “dirty shirts . . . (This was the name by which our soldiers were known.)” hiding in her house. When Mrs. Read insisted there was no one in her house, the black soldier insisted and pushed past her and searched her house. Later that evening, Mrs. Read had occasion to have an audience with Lord Dunmore, who was “highly pleased with his day’s work,” and she “told him my tale.” He responded, “Why Madam . . . this is a provoking piece of insolence, indeed, but there is no keeping these black rascals within bounds.” He explained, “we must expect such things whilst this horrid rebellion lasts.”²⁴

The next day, Governor Dunmore raised the King’s Standard and issued a proclamation declaring the colony of Virginia in rebellion. He commanded all loyal subjects of King George III to rally and join forces with the Governor. “And I do hereby farther declare all indented Servants, Negroes, or others (appertaining to Rebels) free, that are able and willing to bear Arms, they joining his Majesty’s

²⁴ Helen Calvert Maxwell Read, *Memoirs of Helen Calvert Maxwell Read*, ed. Charles B. Cross Jr. (Norfolk: Norfolk County Historical Society, 1970), 52-56.

Troops.” Dunmore had made good on the threat issued in Williamsburg more than six months before.²⁵

Dunmore’s loyal supporters split on the offer of freedom to slaves. Anthony Warwick of Portsmouth was “Perswaded they will have a good Effect” and that Dunmore “wou’d in a very short time crush the very seeds o[f] Rebellion here.” Another Portsmouth resident was extremely concerned. John Johnson was “extremely sorry that he has promis’d freedom to their Slaves.” For one thing he was certain that an alliance with Dunmore would subject many slaves to “Loss of Life, & most severe punishment.” More important though, Johnson believed that the proclamation would turn loyal Virginians away from Dunmore and the King. It was in every Virginian’s best interest “to suppress any Insurrection amongst the Slaves.” Consequently, Dunmore’s proclamation may compel many to “take up Arms, which is contrary to their inclination.”²⁶

Dunmore also underestimated the hold of masters over their slaves. In short order, slave owners were among “their people” with some not so subtle reminders. The proclamation offered freedom only to those “as are able to do Lord Dunmore

²⁵ Van Schreeven, *Revolutionary Virginia*, 4: 334. See also Peter H. Wood, “‘Liberty Is Sweet’: African-American Freedom Struggles in the Years Before White Independence,” *Beyond the American Revolution*, 163-171; and Mullin, *Flight and Rebellion*, 130-136.

²⁶ “Anthony Warwick to Messrs. Cuming, MacKenzie & Co.,” and “John Johnson to an Unidentified Addressee,” Van Schreeven, *Revolutionary Virginia*, 4: 368-371; 414-417.

service.” The “aged, the infirm, the women, and children” would remain behind, still “the property of their masters.” When those masters were “provoked to severity” by the Governor’s military action, these family members would be in danger. Masters asked their slaves to imagine the “fury of the Americans against their defenceless fathers and mothers, their wives, their women, and children” should they run to join Lord Dunmore.²⁷

On December 2, 1775, Colonel William Woodford commanding the main body of Virginia’s army took up position and faced Dunmore’s troops at Great Bridge. Seven days later rebel troops repulsed an attack across the narrow causeway led by the Fourteenth Regiment of Foot. British suffered seventeen killed and forty-nine wounded. Realizing he could not hold the town of Norfolk Dunmore evacuated his forces on board ship. Woodford moved his troops into Norfolk on December 14. For the rest of 1775, patriot and loyalist faced each other across the waterfront.²⁸

In January 1776, the town of Norfolk burned. Virginia troops had occupied the city after Great Bridge. The atmosphere was tense with Dunmore’s navy moored offshore with hundreds of refugees packed on board the ships. New Years Day the British sent parties onshore to destroy some houses that provided cover for Virginia sharp shooters. Fighting along the dock lasted most of the night where the British set fires. When the British withdrew Virginia commanders ordered additional

²⁷ *Virginia Gazette*, ed. Pinkney, 23 November 1775.

²⁸ Selby, *The Revolution in Virginia*, 70-75.

establishments (establishments from which Dunmore had obtained supplies) burned. For the next three days Virginia soldiers burned and looted Norfolk, taking out their frustrations on Dunmore and the people who had supported him. In fact, soldiers burned the town of Norfolk without regard to patriot or loyalist. But it was not Virginia patriots who took the blame. It was Dunmore whom Virginians vilified. They saw the burning of Norfolk as yet another example of his rash and indiscriminate violation of Virginia liberties. In the popular mind, Norfolk loyalists received their just rewards. Dunmore had betrayed them too and burned their homes and properties.²⁹

Dunmore's actions in Norfolk only solidified his reputation as the antagonist to Virginia liberty. The first four months of 1776 pages of the *Virginia Gazette* filled with debate of independence. By April talk of independence had spread from the newspaper

²⁹ Selby, *Revolution in Virginia*, 80-84.

Key Norfolk figures previously identified with Sons of Liberty, impressment riots, inoculation, etc. do not fall out evenly into categories of Loyalist and Whig. There are as many different stories as individuals. Though popularly identified as a loyalist haven by contemporaries in 1775, Norfolk remained in flux through most of the Revolution. Adele Hast's, *Loyalism in Revolutionary Virginia: The Norfolk Area and the Eastern Shore* provides the best account of Norfolk and its loyalism. Hast reveals that Norfolk choices, as in other Virginia communities, were complex. James Parker and Neil Jamieson, for example, were ardent Loyalists. A few men, like Maximillian Calvert, supported the patriot cause despite Dunmore's presence in the area. Others, like Mathew Phripp and James Maxwell took the King's oath of allegiance. Later they pled that they were either coerced or forced by the need to remain in Norfolk and protect their property. Both men were later accepted as active Virginia Patriots. Archibald Campbell, who administered Dunmore's oath, was reportedly shunned by his neighbors for his loyalty. The Virginia Convention never censured him, however, even though he eventually left Virginia as a Loyalist. William Aitcheson (James Parker's business partner), on the other hand, never took any action that either side could have interpreted as threatening. Still, he was dogged constantly by Virginians and labeled as a loyalist.

to the countryside. John Penn, a North Carolina delegate to the Continental Congress, recalled that “Common sense and Independence” was the “Cry throughout Virginia.”³⁰

In the end, Dunmore never rallied the support from loyalists or slaves needed to reestablish Royal authority in Virginia. Granting freedom to the slaves of rebels hardened attitudes against the Crown. The fear of slave insurrection was a common bond among white Virginians, a point of unity. On May 15, 1776, the Fifth Virginia Convention met in the Capitol building in Williamsburg. They expressed their alarm that the “kings representative” had “retired on board an armed ship” and carried on “a piratical and savage war against us tempting our Slaves by every artifice to reward to him and training and employing them against their master.” Dunmore created a “state of extreme danger” where there was “no alternative left but an abject submission to the will of those over-bearing tyrants, or a total separation from the crown and government of Great Britain.” In consequence, they instructed their delegates at the Continental Congress to move for a declaration that “the United Colonies [be] free and independent states.” This assertion of independence, the conflict at Great Bridge, the burning of Norfolk, and the bombardment of Gwynn’s Island left Dunmore’s forces and his resources depleted. He evacuated his fleet from the Chesapeake Bay.³¹

³⁰ Van Schreeven, *Revolutionary Virginia*, 6:282-287; To James Warren from John Adams, 20 April 1776, *Papers of John Adams*, ed. Robert J. Taylor (Cambridge: Belknap Press, 1979), 4: 130-131.

³¹ “Fifth Virginia Convention, Proceedings of Ninth Day of Session,” Van Schreeven, *Revolutionary Virginia*, 7: 143; Morgan, *American Slavery*, 380-387; Holton, “Rebel Against Rebel,” 178-192.

Convening the Fifth Virginia Convention marked a new era for Virginia's development. Over the next ten years Virginia would deal with the implications of its independence and forge a new identity in league with sister colonies on the American east coast. If May 15, 1776, heralded the start of a new era, it ended ten years of Virginia history that were no less remarkable. At 1760 Virginia's gentry planters had every expectation that their firm control of politics, society, and culture would continue for the foreseeable future. Then, in two remarkable years, they found their world shaken to the core.

Revelations that Richard Henry Lee, popular leader of the Stamp Act resistance, coveted the position of stamp collector stood for many as a sign of Virginia gentry decadence. Discovery that treasury notes recirculated among the friends and political supporters of John Robinson reinforced the self-serving nature of Virginia's gentry. The murder of Robert Roulidge just seemed to confirm the worst about Virginia's gentry. They were a self-serving, self conscious, group of elites who protected themselves and their own at the cost of Virginia's liberty, her commerce and economy, and the very lives of her citizens. But probably what is most remarkable about these ten years are the adaptive ways Virginians and their leaders dealt with the crisis of the mid 1760s.

Gentry leaders, fractured, embittered and polarized by the events of the mid-1760s, turned inward to deal with their irresponsible peers. Reform-minded gentlemen brought forward an agenda for change and amelioration. These changes did not depend on gentry participation alone. These reforms solicited the freeholders of Virginia and began establishing a new role for them in the governance of their communities. Reform-minded leaders established, in the fight to separate the Speaker's chair from the Treasury, that the voice and opinions of Virginia's freeholders were the underpinning for authority. Before 1760, members of the House of Burgesses viewed their responsibilities in two, slowly diverging ways. Some saw the Burgess as responsible and independent from the electorate. Constituents chose the most impartial and virtuous men with confidence who acted in the Colony's best interest. A second school of provincial leaders paid more attention to the will of their constituents. It was the difference between virtual and actual representative styles. The lines between these groups remained very blurred and associating any individual with one style or the other difficult. Still, it was a long-standing debate that found its way into the House of Burgesses as early as 1754. Interestingly, during that fall session, those arguing that the "Representative was obliged to follow the directions of his Constituents against his own Reason and Conscience . . . were all headed by the Speaker, for these were nearly his own words." In the summer of 1766, the friends of Robert Carter Nicholas

embraced those words and turned the tables on the party formerly headed by Speaker Robinson.³²

As Virginia's reform leaders taught constituents a new way of politics in Virginia, they came to realize that their influence was not as great as they supposed. Stepping forward in 1769 and 1770, they intended to lead the Association by example. They discovered that the will within their own ranks was too weak. Worse, their constituents, the merchants and freeholders of the counties, would not submit to the sacrifices demanded by nonimportation. Baptists questioned the gentry's authority too. Dissenting Baptist preachers and congregations resolutely refused to submit to even the most rudimentary law of licensing their preachers and congregations.

It is no wonder that Dunmore looked around and convinced himself that Virginia's leaders and her people could easily be estranged. He failed to understand, though, how far Virginia gentry were willing to go in cultivating their constituents. Reacting to the Townshend Crisis, the Boston Port Bill, and the Continental Association, gentry forged an amazing new relationship with small planter constituents. And they were willing to forge that new relationship at the expense of Britain's merchants and traders. Using evangelical rhetoric, county committees, and military associations, patriot leaders invested supporters with significant authority. This new constituent participation consolidated the patriot movement. During 1774 and 1775, the new role of Virginia's freeholders would take on a remarkable democratic air. Only

³² Billings, Selby Tate, *Colonial Virginia*, 271; Carter, *Diary*, 1:116-117.

when this level of participation began threatening the objectives of the patriot cause did leaders begin backing away. When the independent companies ranged uncontrolled through the countryside, the Convention dissolved them.

Recalling democratic principles, however, was not as simple as that. The Convention found almost immediately that it must respond to the new-found voice of smaller planters and constituents. They granted concessions in exemptions for military service and in the rights of dissenting religions to assemble and worship. It was a new way of conducting politics in Virginia, but it was an effective one. Dunmore's notion that he could break the alliance between gentry leaders and freeholders with allies on the frontier and the slaves of patriot gentry proved mistaken. For the previous ten years gentry reform leaders had carefully sidestepped and reoriented their relationship with the people of Virginia. Each time a crisis appeared, some element of Virginia's leadership responded. Slowly and steadily leaders and constituents forged the relationship that would take Virginia through the Revolution and into a new Republic.

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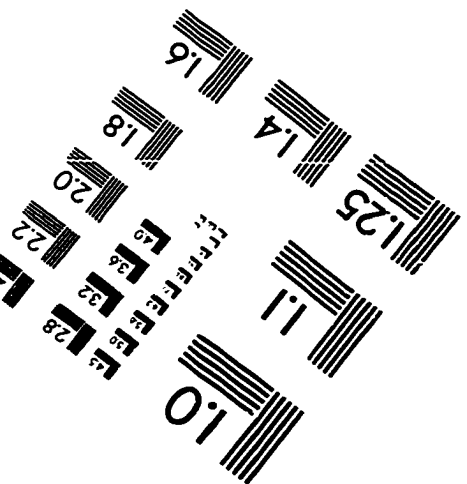
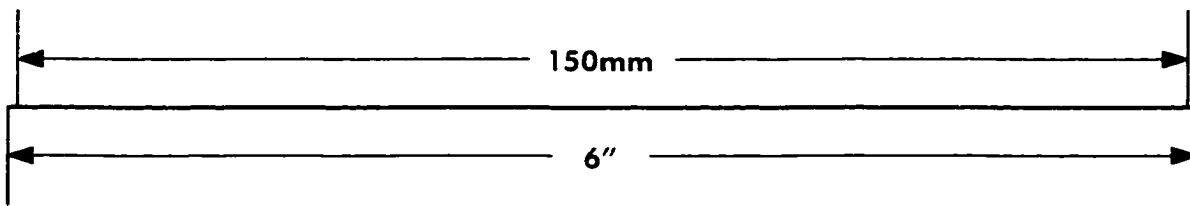
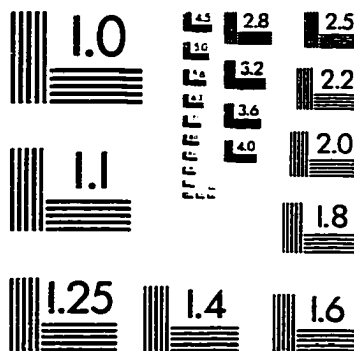
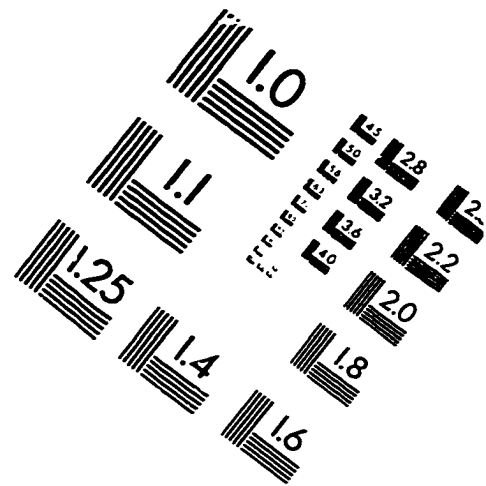
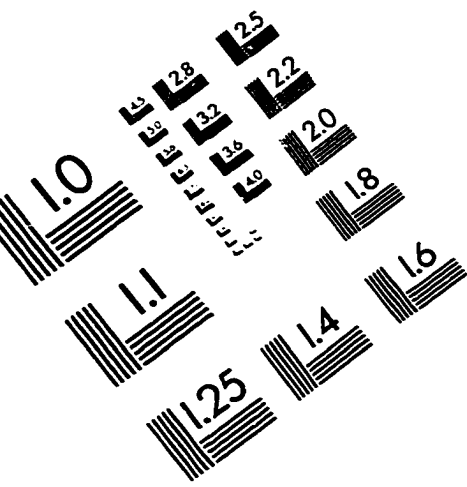
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